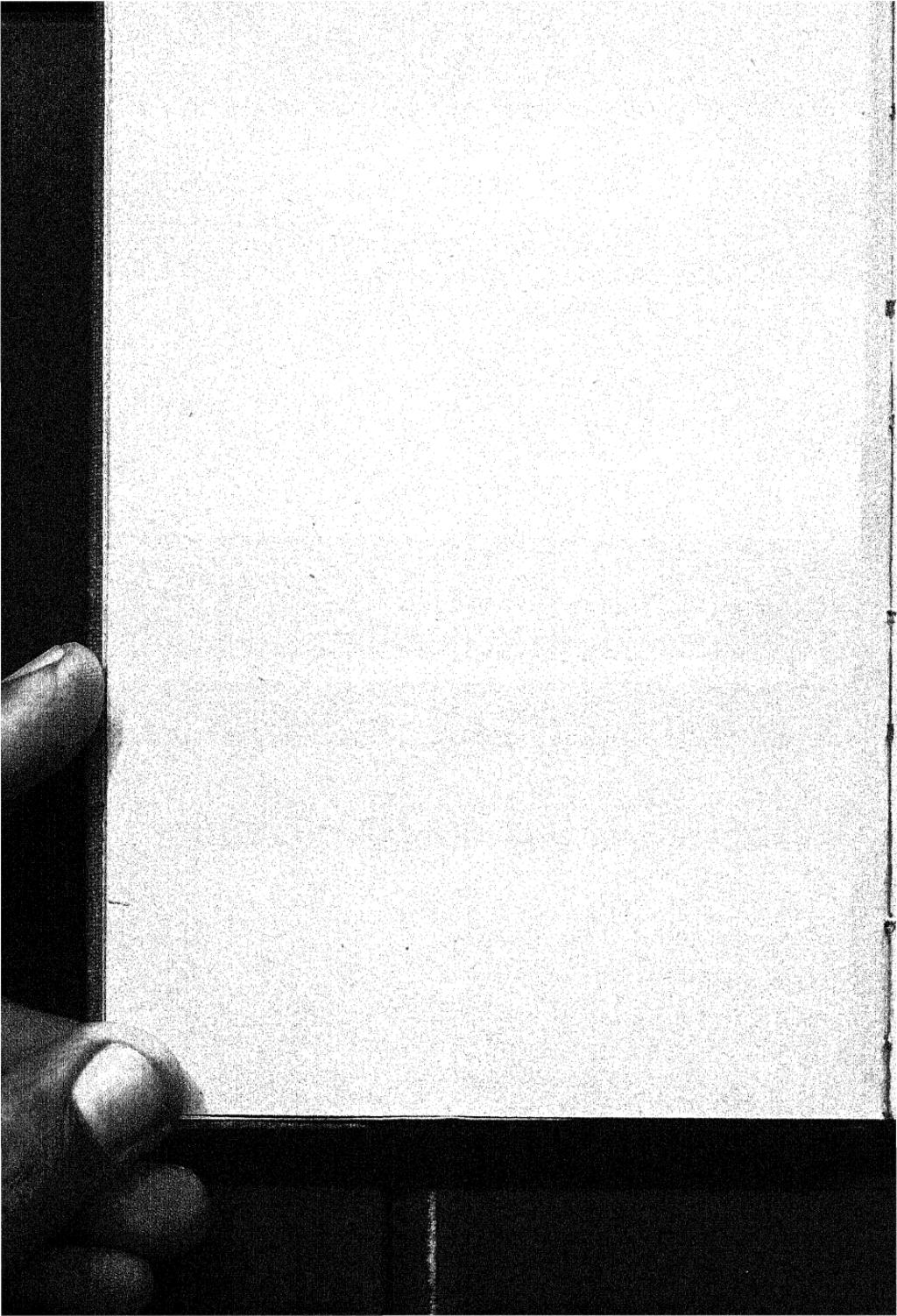


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**ENGLAND IN THE MIDDLE AGES**



# ENGLAND

## IN THE MIDDLE AGES

BY ELIZABETH O'NEILL, M.A.

FORMERLY UNIVERSITY FELLOW AND JONES FELLOW OF  
THE UNIVERSITY OF MANCHESTER

AUTHOR OF "MARY, QUEEN OF SCOTS"



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## PREFACE

THE period from the Norman Conquest to the end of the fifteenth century may be conveniently and aptly labelled "Mediæval." Rich and varied as were the phases of its life, it has a certain homogeneity which marks it clearly off from the days before the Conquest and from the Tudor period.

Differ as might the England of the close of the period from the England which William won, it differed still more from the England of the Renaissance and the Reformation.

The four centuries following the Conquest saw much growth and change, otherwise they would have little interest; but the end, as the beginning, was mediæval in its simplicity, its romance, its crudeness and its colour, in all that goes essentially to make up the idea of the "Middle Ages."

In this period Feudalism proper grew and decayed, constitutional government had a wonderful genesis and a temporary failure, religion in its orthodox form flourished exceedingly, and triumphed over eager and spasmodic heresy. The period saw infinite possibilities of empire building by English kings, which dwindled as the years wore on and determined the political individuality of England. A traditional feud with France was the method of this determination and affected some of the greatest issues of the period.

Economic forces of immense significance transformed the land, but the form of society at the end of the period, as in the beginning, was mediæval. It is the object of this little book to trace the essential features of Mediæval England.



## CONTENTS

| CHAP. |  | PAGE |
|-------|--|------|
| I.    | THE NORMAN SETTLEMENT . . . . .              | 9    |
| II.   | THE MENACE OF FEUDALISM . . . . .            | 22   |
| III.  | THE ANGEVIN DESPOTISM . . . . .              | 34   |
| IV.   | THE BEGINNINGS OF THE CONSTITUTION . . . . . | 49   |
| V.    | A CENTURY OF UNREST . . . . .                | 65   |
| VI.   | THE BREAK-UP OF THE MIDDLE AGES . . . . .    | 81   |



# ENGLAND IN THE MIDDLE AGES

## CHAPTER I

### THE NORMAN SETTLEMENT (1066-1100)

THE crowning of William the Norman on midwinter day 1066 marks a definite crisis in English history. The Saxon system in its strength and weakness, its sturdiness and its insularism, gave way to a new order which by way of experiment and with some sacrifice was to be the way of progress. The weight of the Conqueror's hand was to be felt in a conscious readjustment of the national institutions, a process carried out with a passion for legal definition which ignored fine shades of custom and tradition, and which in so far was brutal. As a set-off to this prime fact it must be remembered that now, for the first time, England was brought into touch, and ultimately into line, with European civilization, and this at the outset of a period whose refinements were outstandingly cosmopolitan. The ultimate results to the national life were undoubtedly beneficial, but meanwhile the conquest was a real conquest, and involved the inevitable suffering which accompanies the degradation of a proud nation.

The new civilization involved class distinctions which had never before been felt so keenly in England. For almost three centuries the upper classes spoke French, and only French, so that even kings who sympathized and were loved of their people could not speak their language. As the years wore on and the inevitable

fusion did its work, the foreign element was merged into the English. The foreign idiom became the despised "French of Stratford-atte-Bowe," and this is but significant of the triumph of the strong subsoil of English life over the Norman elements which had meanwhile done so much for its improvement.

The conscious policy of the first Norman king made for such fusion from the first, for the Conqueror was a statesman even more than a soldier. There was no immediate confiscation of lands from the English after Hastings. There was ample from which to reward William's Norman followers in the lands of those who had died for Harold. The English landowners paid homage for their lands and received them again—with a difference. But Hastings was not the Conquest, and in the passionate revolts of the next few years the English race of nobles and gentlemen was swept away and the English aristocracy became Norman, though an English leaven was provided by the choice of wives from among the English.

William made no immediate difference in the formal government of England. He discerned in the democratic basis of the English courts or "moots" an element which might be taken into alliance with the crown in the struggle which he inevitably foresaw between his own conception of kingship and the anarchic forces of feudalism.

In 1067 William left England for his lands oversea, for henceforth for centuries the interests of an English King were thus duplicated. He tactfully took with him most of the English nobles; but the reaction which he thus strove to avert was precipitated by the reckless tyranny of the Norman nobles who were left behind, and whose aim was merely to exploit the conquered country. The English rose as one man in all parts of the country except the South-East, which had had first-hand experience of William's power. The King returned to stamp out a revolution which was the more formidable for the support of the Danes and Scotch

which it won. It took William four years to kill resistance, but he did it so thoroughly that he left no hope for another such movement among the English. The struggle has a romantic and heroic interest as we dimly discern the figures of the Saxon leaders fighting hopefully or desperately for their race's cause. There were the Earls Edwin and Morcar; the former three times forsaken, yet so fascinating in his fair beauty that William wept for his fate when Edwin was murdered by his own followers. There were, too, bishops like Ethelwin, taking their revenge for their dethronement in favour of the Norman prelates whom William favoured. There were figures like Waltheof, son of Siward the Stout, doing wonder deeds in the North against the Norman, and Hereward the Wake, who joined Edwin and Morcar in the "Camp of Refuge" at Ely, and held it with some hundreds of desperate Englishmen until William bridged the Fens with a causeway and compelled them to come in to his allegiance. Earl Waltheof, too, had given in at last and held faithful to his word, but he was made the victim of a belated plot. Betrayed, some say, by his wife Judith, the Conqueror's niece, he died a martyr's death, being beheaded at Winchester and laid to rest in the Abbey he loved at Crowland. Hereward was slain sleeping by a band of Bretons, under Ralph of Tewkesbury, jealous of his favour with the King. These heroic figures are the sublimated types of the Englishmen of their day, brave unquestionably, spiritual with little of the element of fear which played so large a part in the religion of the Normans whose religion acted in reaction from ruthlessness. But they seem to have lacked something which the Norman had, of forethought and organizing power, the great gift of that race to the English nation.

The hold of William on the English was finally secured when, in 1072, Malcolm Canmore of Scotland, who had married the sainted Margaret, niece of Edward the Confessor and sister of Edgar the Etheling,

definitely did homage to the Conqueror at Abernethy on the Tay, and reconciled with him too the Etheling whom he had been helping. The outstanding result of the struggle, besides the prime fact of the renewed submission of the English, was the devastation of the North, for William deemed it a salutary lesson to lay waste the land between the Humber and the Tees, burning the cottages and killing man and beast, so that the land lay literally desert for nearly a decade.

The English resistance was dead, but William had to reckon with the turbulence of his Norman followers. All the broad lands of England were his now to give, and he satisfied their greed. The feudal theory by which all the land of the kingdom was the King's to give out as he would was taken for granted, but William had seen the workings of the feudal system in France. He knew the power of a great vassal like himself when he chose to oppose his liege lord the King of France. Whether by accident or design, these conditions were not reproduced in England. The Normans who received the largest grants of land found that their possessions were scattered over the country, so that it would not be easy for any one man to concentrate an army against the King in case of rebellion. Only in the great "Palatine" earldoms on uncertain border country did he swerve from this policy and give to the tenant almost regal power, as at Durham and Chester. Such was necessary in the cause of order. Nevertheless William had to face many vexatious feudal revolts for years. At his wedding feast at Norwich, in 1075, Earl Ralph of Norfolk joined Roger of Hereford in a plot against William. They and Waltheof (if he would join them, but he refused) should share the power between them. The English support on which they counted was reserved for William, and defeated the hired Breton soldiers of the rebels. Robert, William's eldest son—one of the most interesting figures in this period for a modern touch of indifference, which acted in curious contrast with feverish

bursts of striving—rose in revolt against his father in 1079, demanding his heritage of Normandy and Maine, promised to him on his father's death. Father and son met in arms at Gerberoi in Normandy; the son wounded the father in the hand unknowingly, and there followed immediately a characteristically mediæval scene of passionate remorse and reconciliation. Robert had had the support of William's Norman vassals, who hoped for greater license under a rule less stern. The fact was further illustration to William of the evils of continental feudalism, and he took a further step for the prevention of its growth in England. In 1085 he was advised by the "Wise Men" at Gloucester to make an inquest into the state of the country, to find out how much land there was in every shire, how many landholders and lesser men, and the worth of them all. The results were written down in Domesday Book, from which we glean nearly all we know of the conditions which prevailed in the England of that day. In 1086 William summoned all military tenants, whether holding from himself or from his tenants, to swear an oath of allegiance to him on Salisbury Plain. It has generally been considered as an act of great significance, though some recent historians have suggested that it was not without precedent. According to a pure feudal system sub-tenants (men holding land from the King's tenants or the tenants-in-chief) owed allegiance only to their immediate lord, who could (and did) lead them against their King. The Salisbury oath prevented this. The King in such matters was to have precedence over the lord, and William secured thus for the English Crown a direct hold on the military forces of feudal England. It may be well to realise here that England had now become feudal in a very real sense. That forces were tending towards this state before the Conquest is certain, but equally certain is it that the Conquest and the assumptions of the Norman lawyers made universal what was before but local. Many Englishmen had in the disturbed days of the Danish invasions

"commended" their lands to richer neighbours and received them back again with the promise of protection in return for homage and perhaps some service. Here is the germ of feudalism. But there were parts of England, and especially in the North-East, where free men dwelt on what would now be called "small holdings," and owned allegiance to no man but loyalty to their King. There was no place for these in the feudal system, as known by the Norman lawyers, whose tendency was merely to assume their dependence. The net result was a degradation in the status, though not always in the mode of life, of many such men. English feudalism as a political system had from the first the hiatus caused by the centralizing policy of the Norman kings, but it triumphed in England as a system of land tenure, though disintegrating forces, such as the growth of boroughs, were early at work undermining it. The feudal system had as its unit the "manor," with agricultural land, some worked in the interest of the lord—the mesne land—the rest in the interest of the tenants. There were an infinite variety of "tenures," according to the service owed by the vassals. Some were servile tenures and some were free. A free tenant might and would generally pay rent in kind, or he might owe labour, but in a definite and moderate degree. The essence of a servile tenure was that the tenant was at the bailiff's disposal in the matters of the times and places at which he would serve. The Domesday report was made in terms of "manors," though the inquest was made through the English divisions of *vill*, *hundred*, and *shire*. The Norman tendency was to find a manorial unit, and the term was applied even to the numerous free villages in the Danish part of the land north of Watling Street; where no other lord existed the King was assumed to hold the manor. By the thirteenth century the manorial system was practically universal in England, and the manors approximated to one type—an open-field village with two roads intersecting each other, along which the tenants had their

dwellings, with the church and the hall at the centre. The fields were laid out in strips which belonged, some to the tenants, some to the lord of the manor. The manor even in thirteenth-century England was self-contained and self-sufficing; still more was it so in the early Norman period. Money was hardly used, and the few specialized artizans were paid in kind. Domesday Book accounted for 280,000 people. These were chiefly the heads of families; and when allowance is made for omissions of certain classes, the population of the country may be computed at about one and a half millions. About 200,000 are enumerated whose tenure was such that it was natural for the Norman lawyers in a generation or two to write it down servile, besides 20,000 actual slaves, a class which was merged into the rank of "villein" early in the Norman period. Of higher classes of tenants 35,000 are enumerated, so that even before the Conquest these were already in the minority.

The effects of the feudal system on the social life of mediaeval England can hardly be exaggerated, but the most characteristic aspect of continental feudalism had little place here. The lords of the manors did justice in minor matters, but they could not deal with cases in which life or limb were involved. These were reserved for the King's court.

One side of the Conqueror's policy towards the land of England has earned for him a sinister renown. He "loved the great deer as though he were their father," and he passed severe laws imposing cruel mutilations on all who should interfere with the royal hunting. The story has been told endlessly of how William reserved the New Forest for his pleasures and sacrificed whole villages to its symmetry. But the light of modern research tends to discount the amount of destruction involved. Certain it is, however, that the Forest Laws were horribly severe, and show a brutality which is not characteristic of the policy of these first Norman kings. The Conqueror maintained the old

English policy of avoiding the death penalty for mere felonies.

William's treatment of the English Church affords better than any other sphere illustration of the manner in which continental standards were imposed upon the English. A century before the Conquest a monastic reform had spread over Saxon England, but its inspiration was exhausted and the standard of life among lower and higher clergy alike was extremely easy. His sympathies and his policy alike inclined William to take measures to bring the forces of the Hildebrandine revival to bear upon the English Church. The movement by which the great pope Hildebrand had breathed new life into the Western Church was then in full force on the Continent. The Norman prelates whom William brought to England were impregnated with it.

In 1090 a complete reorganization of the English Church was begun. Three papal legates took part in the council which determined the drastic measures of reform. The pluralist Stigand, who had hitherto found some measure of favour with the King, was deposed from Canterbury and from Winchester. He was an outstanding example of the grasping spirit which pervaded the upper clergy. In the lower ranks there was but little observance of the canons imposed by the Church. Married priests abounded. Within two years two, or at most three, English bishops remained in English sees. Stigand was replaced by Lanfranc, Abbot of St. Stephen's at Caen, whither he had gone from the famous Benedictine abbey of Bec. He was a man outstanding for his scholarship and piety. He had been a lawyer before the cloister claimed him, and in his zeal for reform and efficiency he illustrates the better type of the great ecclesiastics of that period. It has been stated to his discredit that he forged documents proving Canterbury's privileges with regard to York, but the standard of honour in these matters differed from that of to-day. If the cause were acknow-

ledgedly good, an irritating absence of evidence to support it might surely be supplied. It was probably he rather than William who decided that the separation of the ecclesiastical from the lay courts was necessary. Hitherto the bishops had sat in the lay courts, and though they probably had the preponderance, they had no monopoly of the meting out of justice in cases which the Church would have claimed as being liable to spiritual jurisdiction. Even these very councils which reformed ecclesiastical matters in England were held in the presence of the King and the lay lords. William seems to have consented readily to decree the future separation of Church and lay courts. This was really a corollary of the acceptance of the Hildebrandine standard of spirituality in the Church. The measure had in it inevitable seeds of friction, but William felt his own strength too great to lay stress on this. The seats of English bishoprics were in several cases removed from small and decaying places to towns whose progressive spirit made them a better setting. A general bracing affected all sides of ecclesiastical life. A spirit of labour and study led to a revival of English scholarship, though it took the form of dogma and dialectics. Norman abbots reformed the monasteries, and many new monastic foundations were made. The change was for the better, though here again hints of suffering come to us dimly. At Glastonbury Thurstan, the new Norman abbot, called in French soldiers to enforce a new method of chanting on a community which seems to have been dull to learn but in no way recalcitrant. After the fray many monks lay dead or wounded, cut down in the very sanctuary. Thurstan was deprived by the King, and the case was probably without parallel, but it may well have been an exaggerated example of the obscure suffering which so relentless a reform imposed from without must have caused. During his visit to Normandy in 1067 the Conqueror had lavished on Norman churches rich treasures taken by way of fines from the English monasteries.

William ranked as a loyal son of the Church, but he was careful to uphold his position as an independent sovereign. Though he had come to win the realm under a papal banner, he made it clear that he would owe no fealty to the Pope for his kingdom. A chronicler tells us that William also laid down certain rules which prevented undue intrusion of the ecclesiastical powers into lay spheres. No Pope should be acknowledged or papal bull received without the King's consent. The separate Church councils must have his sanction, too, to make their acts binding, and none of his barons or servants were to be excommunicated without his permission. Whether formulated or not, such was in fact the stand which William almost inevitably took. On his death-bed he could boast that he "had never hurt God's Church," though he was "stained with rivers of blood." It was while pursuing that continental policy which was to haunt so many English kings that William met his death in 1089. He claimed the overlordship of Maine, and had temporarily secured it with English help in 1073. Roused by an incursion into Normandy of the people of Mantes early in 1087, he revived an old claim on the Vexin, of which Mantes was the capital, and went to war for it. His anger was aggravated by the report of a jest of Philip of France on the increasing corpulence of the English King. The land round Mantes was savagely laid waste and the city itself burned. The exertion and excitement aggravated the results of a violent knock against the pommel of his saddle, caused by the stumbling of the King's horse in the streets of Mantes. On his death-bed William bequeathed Normandy and Maine to Robert, a reluctant recognition of his claims as eldest son; to William he gave England, and to Henry a sum of money, with, so the chroniclers said after the event, the assurance that he would one day hold all that his father had ever had. William I. in his gigantic strength, his sane spirituality, his stern and conscious zeal for justice

untempered by mercy, at once sublimates and typifies his race. His son William resembled him, in spite of the sinister impression some strange quality in him made on his contemporaries, so that tradition has made of him almost a monster. Physically he was not unlike his father, though with a less handsome bearing and a more marked corpulence. He had a loud voice, but not remarkably deep like the Conqueror's. His full-blooded complexion, indicative of his choleric temperament, brought him the nickname of "Rufus." The Red King was indeed terrible in anger as his father was, yet he could boast that he never did in anger what he would not have done in cold blood. He showed, however, none of the Conqueror's scrupulous observance (politic rather than sympathetic) of the rights of his subjects, and his rule soon shaped itself to a tyranny. In the beginning the Norman barons rose against William's rule on Robert's behalf, whose proverbial weakness would have made him an acceptable overlord to them. Lanfranc rallied the English in William's favour, promising them good laws, and the revolt was soon stamped out. But in 1089 Lanfranc died, and with him the traditions of the Conqueror's rule. Ranulf Flambard as justiciar became the foremost man in the realm, and with his clever connivance William embarked on a course of tyranny. It is often difficult to state with precision the exact nature of misrule in the Middle Ages, and this applies the more to this period, as the exact details of the working of the constitution in what was pre-eminently a time of transition are not very clear. Much dissatisfaction may have arisen from the mere crystallizing of feudal practice, and it is recorded that the justiciar was careful to give a show of legal right to his tyranny. In his capacity as judge, too, Ranulf sold "justice," and any crime might be committed with impunity if the wrong-doer were able to give sufficient financial compensation. We hear too of forced and excessive labour, for the King was a great builder. London Bridge and the

great hall at Westminster were built by him. All through history great building works have typified the power of tyrants, and in periods when feudalism broke bounds forced labour at castle building was always a crying grievance with the oppressed. Moreover, William showed little respect for the rights and dignities of the Church. Grossly immoral in his private life, in health he was a loud and shameless blasphemer, but in illness he cringed to religion. He kept abbacies and bishoprics in his own hands when they fell vacant, and administered them with a heavy hand. Not for four years after Lanfranc's death did he appoint his successor, and then in 1093, ill and repentant, he forced the primacy on Anselm, the saintly abbot of Bec. Anselm was one of those meek men who are obdurate where a principle is involved. Like many another mediæval prelate he was more ultramontane than the Pope himself. He had no inclination to be "yoked to a wild bull," but once in harness he would not allow himself to be run away with. Already in 1093 there was friction. The King, preparing for an expedition to Normandy, refused the liberal contribution of Anselm towards his expenses as too small. He refused to fill several abbacies which he held vacant. Finally he declared that he had no need of the archbishop's blessings to his "crossing over," and departed unblessed. After William's return in 1095 an open quarrel took place over Anselm's recognition of Urban as the rightful one of two rival popes. William regarded this as an infringement of his own rights over the English Church. Ultimately he recognized Urban independently. Two years later the King complained bitterly of the equipment of the knights furnished by Anselm for his service in Wales, for every bishop was a baron too, and even Anselm had so far borne himself as such towards the King. He refused, however, to answer for his neglect in person, and left England for Rome, where he received little encouragement, and so withdrew to France, where he remained until after the Red King's death.

William's prowess justified his father's choice of him as King of England in one particular at least. He was glorious in arms. Normandy, cut up and bartered among the three brothers for some years, fell at last to the English King in 1095, when Robert elected to go on crusade, and mortgaged his heritage for the needful gold. The conquest of Wales was in process, and was only prevented from completion by William's death. As it was, the South and East were won by Normans, who became the "marcher" lords. North Wales alone remained under native control.

Cumberland was reft from Scotland, and Malcolm had once more to acknowledge himself the "man" of the English King. He died before William, and his saintly wife Margaret soon followed him. Disappointed in her hope for the life of the cloister, she had devoted all the force of her idealism to civilizing and in some sort Anglicizing her husband's realm.

William's triumphant course was cut short by his tragic death from the arrow of his friend Walter Tirel while hunting in the New Forest. It was probably quite accidental. Men saw in it the appropriate judgment of God. His body lay all day in the forest, for Walter, stricken with panic, had fled. At sunset it was taken up and drawn in a charcoal burner's cart to Winchester. In the cathedral there the second Norman King was laid to rest "unhoused, unanointed, unanneled."

## CHAPTER II

### THE MENACE OF FEUDALISM (1100-1154)

HENRY, the Red King's brother, was hunting with him when he fell, and immediately rode off to Winchester to secure the royal treasure. There were some who would have withheld him in Robert's name, but he had the advantage of being on the spot. Quick to act, and diplomatic, he won his ends. The "Wise Men" acclaimed him King. There was in no sense an election, for though in those days the rule of succession was vague, the elective element only entered in as putting the seal on established fact. Robert was on crusade, and in any case could only have been acceptable to the worser feudal element in hope to make profit of his foibles.

Henry I. ranks as one of England's best kings, yet it is in the same sense as the Conqueror. He acted in the interests of the people, because it was the straightest way to power. In person he resembled his father, perhaps more than did his brother, being dark in complexion; stout too, but not so tall. He had inherited his father's pleasant deep voice. He was a scholar, and was sometimes called "Beauclerc," and he had all a Norman lawyer's passion for order and definition. He has for us little of the personal interest of his father, still less the morose fascination of his brother. His work rather than his temperament arrests attention.

Certain it is that Henry made up his mind to pursue his father's policy of encouraging English institutions at the expense of the more objectionable traits of feudalism. Time had been wanting to the first William

to form any definite and lasting amalgamation. It seems that Rufus used the English institutions only to abuse them. Henry was loud and constant in his assurance that he would "put down all unrighteousness that had been in his brother's time." Within a few days of his coronation he issued a charter of liberties to be sent into every shire, embodying his intentions of reform. It was the first English charter of so many. Its essence was the promise to the Church and to the lay lords that they should be free from unjust exactions. The barons must extend similar treatment to their men. The law of King Edward was to be restored, with the changes made by the Conqueror. This was always the ideal.

In point of fact, Henry taxed the nation heavily throughout his reign, and in his feudal relations leaned to severity. But he kept order, and he established a centralized administrative system which made for routine and equal justice. Above all he maintained peace, and the familiar formula of praise was applied once again to him. In his days a man or woman might "fare through the land" "with their bosoms full of gold," and "no man dare say ought to them but good." The work of organization which Henry wrought can best be examined in the light of its development under his grandson Henry II. Suffice it to say that he established a central system of justice which sent out itinerant judges who sat in the local English courts, and under old forms gave new and royal justice. (The new system of trial by duel, which became the rule in criminal cases, is first heard of under Henry.) It was the beginning of the process by which the King's justice practically took possession of the shire courts. For the future, too, courts were to meet at set times and the old accustomed places, a stipulation which arbitrary action on the part of the sheriffs during a period of disorganization had probably made necessary. Ranulf Flambard had been imprisoned at the beginning of the reign, but had had the ingenuity to obtain a rope in a

barrel of wine and escape from the Tower. The justiciar in this reign, though he probably had not the title, was Roger, Bishop of Salisbury, who controlled the whole administration and created the Exchequer system. An illuminating anecdote tells that it was his quickness in getting through the saying of his mass as a simple priest which first attracted Henry's attention to him. Roger was a Norman, but Henry had sufficiently shown his English sympathies by his choice of a wife. He married in the first year of his reign Edith, daughter of Malcolm and St. Margaret, and thus a representative of the old West Saxon house. She now took the Norman name "Matilda." The interpretation put on the marriage by contemporaries is illustrated by the nicknames which the Normans jeeringly applied to the King and Queen of "Godric and Godgifu." The feudal element rose in revolt almost immediately. Robert was back in Normandy from the Holy Land, where he had won by his brilliant prowess offer of a crown only to refuse it. The Duchy naturally lapsed to him again on the death of William. The leading barons in England offered him their help to win the crown of England. He gave a willing ear, and came to try his luck in 1101. Henry had mobilized the English fyrd, and taught it how to fight, but as always he preferred the methods of diplomacy. A yearly payment and some minor concessions of land in Normandy satisfied Robert, and Henry was free to punish the barons who had turned traitor. Some less prominent rebels were immediately disinherited, and went back to Normandy. The more prominent were dealt with with deliberate revengefulness, each in turn, men like Robert of Lacy, or the cowardly Ivo of Grantmesuil, who had run away from the Crusade. Most prominent and defiant of all was Robert of Bellême, who had lands and castles scattered all over England. These were taken piecemeal, and Robert allowed to withdraw, a landless man, to console himself with his Norman possessions. Two years later he went to war with

the Duke, and anarchy reigned in the Duchy. The conditions invited Henry's interference. He restored order, but did not yet show his hand. The banishment of William of Mortain, another of the dangerous barons with possessions on both sides of the Channel, reinforced Robert of Bellême, who again took arms, and in 1105 Henry once more crossed to Normandy and took Caen and Bayeux for his own. A third expedition in the next year found all the forces of the two Roberts and William united against him at Teuchebrai. Henry won the battle, and Robert of Bellême, fleeing in panic before the issue, alone among the leaders saved himself. Duke Robert, the brilliant Crusader, who had lightly foregone so much and caught always at shadows, was brought back to England to live out his days a captive. The English in Henry's army boasted that they had avenged Hastings when they conquered Normandy at Teuchebrai. In effect the Duchy did now take the character of a mere appendage to England. Resistance there was not dead, and intermittently discontented barons rose against Henry's rule in favour of William Clito, Robert's son. The French King too, when it suited him, aided his cause. The year 1110 again saw barons driven from England to Normandy. As a result of these vast confiscations the King had much land to give. He founded as it were a new nobility, drawn largely from the increasing class of skilled administrators produced by the development of a more elaborate system.

Henry I. was a loyal churchman in much the same sense as his father, ready to give the Church its due, but determined to maintain royal and national rights against any attempt at encroachment. And in his day there came a trial of strength for which the time had not been ripe under the Conqueror. The Hildebrandine revival had won to itself all the churches in Europe, and with growing power the papal claims grew too. The conflict with Anselm which played so large a part in the reign of Henry was on a different plane

from that between the archbishop and the Red King. There was no question of arbitrary abuse on Henry's part. It was a conflict of principles which were being brought into fresh prominence in Europe at large. The Investiture struggle in England was, as it were, a miniature copy of the duel between Pope and Emperor which looms so prominently in the history of the period.

Henry, immediately on his accession, invited Anselm to return from his wanderings. The temporalities of his see confiscated by Rufus were in the King's hands. He prepared to restore them, expecting from the archbishop the homage customary on such occasions. To his surprise Anselm made demur. The Pope, so he informed Henry, did not approve of lay investiture. Henry was dumbfounded. He was anxious to be on friendly terms with the Church, if only to keep its support in his claim to the English throne. But every bishop was a baron too, and he could not forego his authority over them. That the attitude of the archbishop was new and startling is proved by the fact that Anselm had received unquestioningly investiture from the King's predecessor. The attitude of the papacy on the subject of lay investiture was part of a conscious policy which hoped to build up an imperial Church homogeneous and independent, able to show a united front to the nations which in their secular aspect should be subservient to it and accept its standards. It represented the most characteristic ideal of the mediæval papacy in the period of its greatest predominance. Henry wisely suggested that a settlement should be postponed. Meanwhile the archbishop was allowed to enjoy the revenues of his see. In 1102 an embassy to the Pope to represent both sides received no satisfaction. But Henry by this time felt himself fairly secure on the English throne, and took courage to demand that Anselm should do him the customary homage. His own envoys to Rome assured him that the Pope had given them private assurance that he would not interfere with Henry should the King take

things into his own hands so long as suitable men were appointed to the bishoprics. For necessarily the right to invest meant ultimately the power to choose. Anselm, however, proposed a new embassy to Rome, and so things dragged on in a state of suspense, and in 1103 Anselm himself went out of England to plumb the papal politics in person. At length the question was settled by way of compromise, discussed lengthily in the intervening years and legalized in 1109. For the future the King could not invest with the ring and staff, symbols of the spiritual office of the bishop, but he was to retain the investiture with the fief. Elections were to be made in the King's chapel with the consent of the King, and homage done for the fief before consecration. On the whole question the victory was to the King, though it must be remembered that in individual cases where dual authority enters in the battle will be to the strong. The settlement of the question anticipated the letter of that between Pope and Emperor in the Concordat of Worms of 1122, but the spirit was different. In that case the substantial victory was won temporarily by the spiritual arm.

Anselm died in 1109, and for five years the archbishopric was vacant, the King applying its revenues (apparently without protest) to his own various purposes, an illustration of the limitation the observance of his charter promises. Meanwhile forces in the English Church were making for a new balance between Church and State, bringing about naturally the state of things which Anselm in deference to the papal ideal would have imposed artificially. The ideals of the Hildebrandine papacy came to be the stock mode of thinking in the English Church, and the King's victory in the matter of episcopal appointment came to mean nothing when every possible nominee was an ardent papalist. Before the end of Henry's reign the forces of monasticism were strengthened by several houses of Cistercians, the new French order of "White Monks," which under the inspiration of Stephen Harding, the Englishman,

had formulated a new and severe interpretation of the Benedictine Rule. The order found its safeguard against the looseness of practice which had beset the Black Monks in an emphasis of that element of manual work which St. Benedict had prescribed. The form this took was agricultural labour, and the Cistercians became great farmers. In England, especially in the North, they settled in remote spots as in the wilds of Yorkshire, and devoted themselves to pasturage and the production of wool. The labour of the choir monks could not suffice alone for the maintenance of their farms, and the employment of "lay brethren" bound to the religious life but not to the recitation of the office became a feature of the order. In the economic sphere the settlement of the Cistercians is important, because the export trade in wool was one of the most important sources of English wealth in the Middle Ages. Already in the second generation of the Norman settlement there were found lay landlords, like Richard of Rulos, who were remembered for their generosity and their wise and kindly administration of their lands. The monasteries, for the most part very much larger than the manors, probably acted on similar lines. The Cistercians represented only one wave of the monastic reform. Before the end of Henry's reign fifty houses of "Black Canons" of St. Augustine, an order theoretically uniting the active with the contemplative life, had been founded in England. These regular canons were often attached to hospital and lazaret houses, as were the nuns of the order; but there were, too, many large houses of canons whose practice differed little if at all from that of the ordinary Black Monks of St. Benedict. The great monastic movement in Henry's reign at once signified and furthered the growing power of the Church. The Church courts developed freely; appeals to Rome became frequent. In 1125 a papal legate, the first to come to England since Henry's accession, made a full visitation of England, and henceforth the Archbishop of Canterbury became standing

papal legate in England. Thus the cause which Anselm had fought and seemingly lost was slowly asserting itself, and when under Henry II. the wills of Church and State clashed the balance of power had shifted considerably.

Henry was probably hardly conscious of these things, or he may have deemed it impossible to stem the tide. He was busy with many things. For twenty years after the compromise with Anselm he was engaged intermittently in a struggle with France. Louis VI., the French King, was the first to conceive the idea of a national France whose realization was to be deferred so long through the centrifugal forces of French feudalism. Not the least impediment to the French King's policy was the anomaly by which the English kings held so much of French territory. It was hardly a fair fight, but it was hard fought. His irritation made him a ready supporter of the unruly Norman barons with their spurious support of William FitzRobert. Henry strengthened himself by marrying his daughter Matilda to the "Holy Roman Emperor," as the ruler of the loose federation of German States was styled; another daughter to the Earl of Brittany, and his son William to the daughter of the Earl of Anjou. It was after a satisfactory peace in 1120, resultant on a brilliant English victory at the Battle of Brémule in the previous year—a battle which had seen the French King a fugitive—that the tragedy of Henry's life occurred. His son William, the heir to the throne, was drowned with his illegitimate brother and sister in the wreck of the *White Ship* crossing the Channel on a fair sea, the sailors being demoralized by drink, the results of the bounty of the young prince. Henry was a self-centred and self-contained character, but he seems to have loved his son passionately, and tradition had it that he was never again seen to smile.

Queen Matilda had died two years before, and Henry married in 1121 Adeliza of Louvain, but the marriage had no issue. William had been his only legitimate

son, and he bent all his energies to secure the succession to the English throne of his daughter Matilda, the wife of the Emperor. In 1125 her husband died, and the "Empress" returned at her father's bidding from the land whither she had gone fifteen years before as a child of eight, and which she loved as she could never love England. The succession of a queen in her own right to the English throne had, as Henry knew, no precedent, though feudal law permitted the succession of women to baronies. Nevertheless Henry demanded in 1126 an oath from all the baronage of England, lay and spiritual, to support her succession. David of Scotland swore, and after him the King's son, Robert of Gloucester, and his nephew, Stephen of Boulogne. The French King on realizing that Matilda was also to succeed to the Duchy of Normandy, and the great impediment to French unity thus prolonged again, took up arms on behalf of William of Normandy. Henry met the crisis by the marriage of Matilda to Geoffrey, son of Fulk, Duke of Anjou, the natural enemy of Normandy. The step was most abhorrent to the Norman barons, and Henry would probably not have taken it if he could have foreseen the death of William FitzRobert, which occurred in the following year. Henry remained in comparatively peaceful possession of Normandy until his death in Normandy on 1st December 1135. The traditional "surfeit of lampreys," if it did not cause, accelerated his end. He was a man of rare physical strength, and his reign of thirty-five years was remarkably long for a mediæval sovereign. His body was carried back to England and buried in the abbey he had founded at Reading.

The forces of conservatism were stronger than Henry's prevision, and Stephen his nephew was chosen to rule England in spite of the pledges in favour of Matilda. Stephen was the son of Adela the Conqueror's daughter and Henry, Count of Blois, and himself married to Matilda, the heiress of Boulogne and granddaughter through her mother of Malcolm and Margaret of Scot-

land. He was a favourite of Henry, who does not seem to have doubted his faith, and of the Londoners, who knew him well personally. He had all the graces of manner which Matilda, out of tune with her fate and environment, lacked. He was ambitious, and rightly calculating on the unpopularity of a woman's rule, increased in this case by the Norman barons' hatred of Matilda's Angevin husband, he made a bid for the English crown and won it. Like Henry himself, he realized the importance of being on the spot. He first enlisted the support of the Londoners, who had all the townsmen's hatred of disorder. In the Middle Ages the death of a king was always a crisis at which the bonds which held society loosely were apt to give way, and the Londoners saw in Stephen's accession the nearest way to the good order they most desired. How far they were mistaken is shown in the chaos of the next two decades, for Stephen's abilities were not equal to his ambition; and the weakness of his position, added to the weakness of his character, gave a unique opportunity for the display of a rampant feudalism, acting as it were in reaction from the bonds in which the Norman kings had bound it. At first few lay lords came into Stephen's allegiance, but he won the great churchmen to his cause, including his brother Henry of Winchester, their scruples about their oath in Matilda's favour being overcome by the assurance of the perjured Hugh Bigod, who declared that Henry had regretted it on his death-bed. The lay lords had no scruples, and when Archbishop William had crowned Stephen at Westminster on Midwinter Day 1135, they submitted to his authority and took the gifts he gave with lavish hands. It is to be noted once more how small a part "election" in any real sense played in the appointment of the sovereign. Stephen ruled England for nineteen years. During most of this period the country was in a state of civil war more or less active between his partizans and those of Matilda. Matilda had many chances of success through Stephen's alienating his

supporters, but when, Stephen being a prisoner, she was actually crowned Queen in 1141, she lost her supporters by her absurdly arbitrary behaviour. Two or three incidents stand out in the struggle—the Battle of the Standard in 1138, when David of Scotland came to his niece's aid with the Eucharist borne before his army. The Scotch King's piety availed him little, for neither his mailed knights nor his light-armed "Galloway men" could resist the force of the arrows let fly by the English longbow, a weapon whose use had lately been borrowed from the South Welsh, and which was to play so large a part in mediæval methods of warfare. Stephen conceived mistrust of Roger, Bishop of Salisbury, and his son and nephews, the clever administrators of Henry I., and arrested them, to the indignation of his own brother Henry, Bishop of Winchester, who transferred his support to Matilda. So the parties shifted, until in 1153 Stephen wearily agreed to the Treaty of Wallingford, which secured him the crown for life, but provided as his successor Matilda's and Geoffrey's son, Henry of Anjou. Stephen died in the next year. The importance of his reign, whose tale reads so barrenly, is the illustration it affords of the nature and value of the policy of the kings who preceded and followed him. His reign is the one period of the Middle Ages during which England experienced the horrors of continental feudalism. Stephen, with his handsome bearing and frank chivalry, seems to have inherited the strain in the Conqueror's family represented by Robert of Normandy. He was in no sense indifferent to the welfare of his realm, but he was too weak to cope with its disorders, for "he was a mild man, and soft, and good, and did no justice." The chroniclers are loud in their plaints on the sufferings of the kingdom while Stephen and Matilda fought for power and none wielded it. The whole royal administrative system broke down, and there was no justice but the feudal justice which it had been the aim of the Norman kings to limit. "Adulterine" castles rose all over the land, and the

English people built them with forced labour. The greed for gain led the worser kind of baron to imprison and torture even the poorest, to wring their possessions from them. Every man in those days, we are told, "did what was right in his own eyes." They cared nothing for the ban of the Church, "for they were all forcursed and forsworn, and forlorn." The oppressors "said openly that Christ and His saints slept," and the people were fain to believe them. One other significance this interlude has for us. It shows the entire powerlessness of the English people leaderless before their conquerors, and the value to them of the alliance with the Crown against the forces of feudalism. Henry II. had to take up the work where his grandfather had left it. The Church alone gained some fruition from this time. The process towards independence which had been going on under Henry I. was hastened, and a prescriptive right strengthened its increasing jurisdiction and its growing privilege. The desire for refuge from a troubled world probably accelerated the growth in the number of monasteries which went on apace. In the buildings of this period is seen already the transition from the round arches and simple solidity of the architecture which the Normans brought to the pointed and lighter forms which are characteristic of the full Middle Ages.

The death of Stephen and accession of Henry II. marks at once a revival of old customs and the beginnings of things which were to transform the new time.

## CHAPTER III

### THE ANGEVIN DESPOTISM (1154-1216)

HENRY II. of England was the first of a new line of kings, but he had much in common with his mother's race. Not so tall or handsome as the Conqueror and his sons, he had the same sturdy build. He is described as round-headed with reddish hair and keen grey eyes, a description reminiscent of Rufus. Men remarked on his tough, coarse hands and his bowed legs, for he was ever in the saddle. Nor would he sit except at meals or in council. He was tireless in energy and terrible in anger—uncontrolled as were all the Angevins. He was twenty-two years old in 1154, and he had a vast inheritance in France. He was a Frenchman in his sympathies, but too much the lawyer and statesman not to enter with zest into the task of administration in England. The work he did was finally to crush the anarchical elements in English feudalism. His method was centralization, and he took the people into his alliance. His ideal was not above those of his day, and was circumscribed by the outlook of feudalism, but his vigour wrought to a better end than he dreamed. There was a hidden danger in the despotism which the first Angevin built up. The Crown itself might become the oppressor of all classes. This is what happened under the third Angevin, John, and in a minor degree under Richard. A new rearrangement of forces in the State was brought about to resist this tyranny. Henry's policy had fostered the amalgamation of Norman and English institutions, and time aided in the amalgamation of the two races, so that the resistance

to John was a national movement in which all classes had some part.

Henry's first care was to restore as far as possible the system of Henry I. with the aid of the ministers who had survived from that reign. Stephen's mercenaries were sent out of England and the "adulterine" castles destroyed. Henry met with very little resistance, for he acted at the same time with firmness and judgment. In 1159 he instituted the "Great Scutage," by which barons were allowed to commute their military service for a payment of money with which the King could hire mercenaries. This was at once a blow at feudal custom and a step towards military efficiency, for the mercenaries were not hampered by any time limit as the feudal knights were. Their forty days' service was of little use to the King when he gave battle overseas. Later in the reign the "Assize of Arms" decreed that every man in England, even "villeins" who were rich enough, should be armed according to his means. This was really a revival of the old English militia, and an excellent measure for national defence. The development of the administrative and judicial system on the lines laid down by Henry I. went on apace. Originally the term "Curia Regis" was used to denote two different things. It described the Commune Concilium, the whole assembly of tenants-in-chief, which in a limited sense replaced the old English "Witan," or meeting of wise men, as general advisers to the King. It described too the ministers who administered the royal finance and justice. In the former aspect it became the Exchequer, and as a special trained class was told off to do its work, the Exchequer even under the first Henry divided itself off from the Curia proper. The methods by which the King's accounts were kept—notches in slips of wood—bring home to us the primitive nature of twelfth-century civilization. The name Curia Regis was gradually limited to the body which administered royal justice. The greater part of its activity was spent in the Shire

courts, for Henry II. made the system of itinerant justices, or justices in Eyre, which his grandfather had conceived, a regular institution. The hundred courts sank into insignificance, for the private feudal courts usurped their functions, but royal justice practically took possession of the Shire courts. Henry secured this in two ways. The Inquest of Sheriffs in 1170 resulted in a wholesale removal of the sheriffs, who were largely local magnates, and in so far had feudalized the courts. Royal officers were put in their places, and the justice which they dealt was in so far royal justice. But the most important cases were reserved for the justices in Eyre. Practically all criminal justice and the greater number of civil cases fell to them, and as they gave law they made it. The Common Law of England was fashioned from their findings. The centralization of the source of law triumphed over local peculiarities and alone made a common law possible. In time the Shire courts became mere historic survivals, and as such remain to-day.

The policy of Henry, or the more enlightened legality of the age, revolutionized too the methods of judgment. The method of compurgation which seems intolerable to us now can hardly have been satisfactory even in the simple conditions of mediæval society. There had been a growing tendency to reject "oath-helpers" for fiery or watery ordeal, to modern minds even more impossible, as is too the Norman system of trial by duel, especially when this came to be performed by proxy.

Trial by jury in our modern sense was a thing of very slow growth. Its germ has been discerned in a hundred of our ancestral institutions. Alfred used to be acclaimed its father. In point of fact it was the Norman kings who began tentatively to apply the principle on which it rests, and it was Henry II. who made this application in any sense common. The system of trial by "inquest," in which "juratores" were sworn to inquire impartially into the truth of a

case and declare it, now became common in civil cases. Henry too restored the use of the grand jury of presentment, but the growth of a real jury system was slower even in criminal than in civil cases, and the methods of justice remained throughout the Middle Ages marvellously crude to our modern notions.

One aspect of Henry's policy was not so successful. He was anxious to round off his system by defining and limiting the power of the Church. It was partly to this end that he gave the archbishopric of Canterbury to his friend Thomas Becket, a courtly deacon, whom he had appointed Chancellor. Becket was a brave soldier and an excellent boon companion, a lively talker, frank and excitable—handsome too, with his tall figure and clear pallor set off by his dark hair. Henry had found him active in the chancellorship, and had every reason to hope much from his co-operation in his ecclesiastical measures. As Chancellor he had taxed the Church heavily for Henry's wars, "plunging his sword into the bowels of his mother." But there was an incalculable element in mediæval religion. Becket seems to have taken his appointment as a call from God, and, never a bad man, he disgusted Henry by his sudden conversion into a saint, with some of the asperities of sanctity which were bound to clash with the policy of the King. He resigned the chancellorship, and stood as it were on the defensive. In 1164 Henry issued his programme for the Church in the famous Constitutions of Clarendon. The clerk in those days did not correspond exactly to our modern priest or clergyman. There were hundreds of scholars in minor orders who never aspired to the priesthood, and in the later Middle Ages any educated man could claim "benefit of clergy." It was said that during Henry's reign already more than a hundred murders had been committed by clerks. In one prominent case when a Canon of Bedford was accused of murder he was acquitted on oath in the bishop's court, and flouted the King's justice who summoned him to answer to the

charge. Henry swore "by the Eyes of God" to bring him to submission, but the archbishop declared the competence of the Church courts to try clerical offenders. This case probably merely accelerated the issues. The Constitutions of Clarendon formulate much that had been common practice and to which Becket could not have objected, but there were clauses which represented an innovation on the practice which had grown up, and it is round these that the controversy grew. Henry desired that a clerk accused of a crime should first be brought before the lay court, where he could plead benefit of clergy. He should then be taken before the Church court, and if found guilty receive the appropriate unfrocking and spiritual deprivations, and then be handed over to the lay court to be tried again as a layman and punished as such. Becket regarded this as grossly unfair, and as insulting to the ecclesiastical arm.

He seems to have agreed to the King's policy before its definite formulation, but he rejected the Constitutions and reproached himself bitterly for his lapse, suspending himself from his functions and craving pardon from the Pope. An attack of a particularly invidious nature was made on the archbishop by his enemies, referring to a point of his administration as Chancellor. Becket fled to France, where the Pope then was, but found less zealous support than he could have wished. On several occasions in history the papacy has resented the action of too zealous Englishmen in pitting their power against English practice. For six years the archbishop remained in exile, and then a kind of truce being called he returned to his see in 1170, to find himself forgotten and looked upon askance by all save the poor who remembered his charities. He was armed with power from the Pope to suspend Roger, Archbishop of York, who had crowned the King's son Henry (the King being anxious to secure a certain succession) and two other bishops. The news that he had issued the sentence on Christmas Day reached Henry over-

seas. Four days afterwards armed knights, animated by the bitter words which Henry had let fall in his anger at the news, burst into Canterbury Cathedral at the hour of vespers and brutally killed the archbishop, taunting him as a traitor. He met his death with the courage of a soldier and the resignation of a saint, and when the monks took him up and marked the hair shirt beneath his vestments a revulsion of feeling spread among the people, and he was acclaimed saint. His shrine became the richest in the land, and at it Henry did public and sincere penance. He renounced the Constitutions, but it is difficult to say which side had won the victory. The Church kept its jurisdiction over clerks accused of crimes, though not in cases of high treason or offences against the Forest Laws. On the other hand minor offences, whether by clerk or layman, were judged in the lay courts, as also were all suits involving the right of property, even presentation to livings. The Church, however, monopolized jurisdiction over marriages and wills. On the question of appeals to the Pope, Henry simply laid down his arms. The new age was to see new disputes, but the ground of the quarrel shifted.

Henry's position as the head of a great Empire impressed his contemporaries greatly, but he does not seem to have formed any great scheme of extension or organization beyond an anxiety characteristic of the age to aggrandize himself through the marriage of his children. He inherited Normandy and Maine from his mother, Anjou from his father, Aquitaine when he married Eleanor of that Duchy, and the former wife of the French King. Eleanor was ten years older than her husband, and proved as incompatible with him as with Louis. By his son Geoffrey's marriage he got control of Brittany, and thus the English King held more of French territory than the French King himself, who was his natural enemy. Henry showed a feverish anxiety to have the succession to his territories settled, and by crowning his son in his lifetime roused his

ambition unduly. The brothers were always quarrelling amongst themselves, and Eleanor, who was finally imprisoned, encouraged them in revolt against their father. In 1173 the young King rose in rebellion. Louis and William the Lion of Scotland helped him, and the discontented barons in England (chiefly those who had lands also in Normandy) made one final bid to overthrow Henry's despotic and ordered rule. Henry beat down all opposition, and the warm support which the English people gave him in the struggle showed the Norman barons the hopelessness of their aims. William the Lion was taken prisoner. Henry had at the beginning of his reign recovered Northumberland and Cumberland, lost to the Scotch under Stephen, and now once more a Scotch King did homage to his brother of England. In 1183 the young King Henry died, but his three brothers continued their quarrels. The favour which Henry showed to John, the youngest, was one great motive of dissension. Earl John showed something of his character in his outrageous behaviour as governor in Ireland in 1185. For Ireland had been added to Henry's empire in the casual way in which these things were sometimes done in the Middle Ages. It may give the modern reader a thrill to read of the beginnings of that relation which has been pregnant of so much, but the imagination of contemporaries seems to have been stirred hardly at all when Henry quietly annexed Ireland. The two Williams had probably both intended the conquest of Ireland, but time failed them as it might have failed Henry too but for the appeal which Dermot, King of Leinster, made for help to recover his wife from the Lord of Leitrim, who had carried her off. Ireland was still in a tribal state. She had received Christianity in the fifth century at least and realized it vividly, but her Church remained missionary and monastic, and though Irish learning and Irish sanctity had been proverbial for some centuries, the people seemed to have no genius to guide them to political unity. They were a natural prey, but in 1166

Henry could not give them his attention. Dermot was, however, allowed to get what help he could from the barons, and Strongbow, Earl of Pembroke, went, fought his battles, married his daughter, and set all Ireland by the ears. Henry himself went over in 1172, and many kings, including the "high king," Roderick O'Connor, did homage to him in a dim blind way, probably realizing nothing of the significance Henry put on his suzerainty. The King left a viceroy; the Norman adventurers won lands at the point of the sword, north, east and south of the "Pale," intermarried and became more Irish than the Irish themselves. Henry's plan to interest John in Ireland, designing it for his patrimony, was not a success, but the Earl's witty tutor, Gerald of Barry, has left us a lively account of the people and their character, which differs hardly at all from that of Froissart or even Edmund Spenser, and which, allowing for the difference in the external details of civilization, might stand as a sufficiently accurate description of the Irish of to-day.

Henry's last years were spent in a grief-stricken struggle against his sons, aided by the new French King, Philip Augustus. Ill and weary, he made peace on 4th July 1189, and sick at heart at finding that John too was among the rebels, he died three days after, in his fever forgetful of his successes in the past and crying shame to himself as a conquered king.

A glamour has been cast over the reign of Richard of the Lion Heart, who succeeded his father, the titular sovereignty of Ireland alone falling to John, his only surviving brother. He was almost an ideal knight as the age understood knighthood, but a very indifferent king. He did England the service of neglecting her and allowing the system of Henry II. to go on steadily working under men more capable than himself to direct it. Though the memory of Richard has been cherished by the English people, he was perhaps the least English of our early kings. He was much more interested in the French Empire, which he inherited almost

intact, and he valued England mainly as a source of income. The country was drained for his enterprises, and but that the times were prosperous and justice strictly given, much misery might have ensued. Richard's rule must be described as essentially a tyranny, mitigated by its character of routine. The King's first thought was to raise money to join the third crusade, an enterprise which was drawing the leaders of chivalry all over Europe. The great Sultan Saladin had wrested Jerusalem from the Christian kings who had held it nearly a hundred years since the first crusade. The third crusade was the greatest of all, on a larger scale and enticing greater personalities than any other. Its progress is interesting, as showing mediæval chivalry at its worst and best, its courage and high aims, its capacity for endurance, its charity, and withal its jealousies and bitter hate. The crusades had an enormous effect on the general progress of Europe, but they do not touch the political history of England very nearly, except through the financing of Richard. He was reckless to raise money, selling the chancellorship to William Longchamp, Bishop of Ely, and foregoing for payment the homage which the Scotch King had done his father at Falaise. Richard was animated by his love of adventure, with the added motive of repentance for his conduct towards his father, for which he sorrowed in characteristic mediæval manner with almost shameless penitence. Philip Augustus, his erstwhile ally and now his inevitable rival, went too, but quarrelled with the English King and soon came back. Richard stayed and quarrelled still, but did marvellous deeds at the siege of Acre, whence he marched for Jerusalem, but could not take it for want of support, although the Frenchmen were as loud in his praise as the English. Finally the Christians secured a footing on the east coast of Palestine and access to the Holy Sepulchre. On his way back to England Richard was captured by an enemy, Leopold of Austria, and handed over to another

enemy, the Emperor Henry VI. England was drained once more to raise his enormous ransom. He returned to find his brother John in revolt. William of Ely had proved a faithful minister to the King, but offensive in his ostentation to the barons, and John had led resistance to him. Walter, Bishop of Rouen, replaced him, but there was no more peace. John gave the new minister no loyal support, and Richard's return found him in alliance with the French King in a design upon the Crown. John was in Normandy, and Richard having declared his lands forfeit in a great Council at Nottingham, and having had himself recrowned at Winchester, crossed over to face his brother. John came in to his allegiance, and Richard in his grand manner forgave him. The French and English kings then gave vent to their public and private grievances against each other in open war, and intermittent struggles with the French King or his French vassals fill up the tale of Richard's remaining years. He devoted himself with enthusiasm to the building of Château Gaillard on the Rock of Andelys by Seine, the "Saucy Castle" which was to protect Normandy against French invasion. It was, however, in fight against William of Limoges over a question of treasure-trove that Richard met his death from an arrow-shot while storming the Castle of Chaluz. Richard had the curiosity to question the cross-bowman who had let the arrow fly and who had been taken prisoner, as to his motive. It was, he boldly told him, revenge for the death of his father and two brothers. Richard bade his attendants give the man money and let him go, but after the King's death his sister, Countess Joan of Sicily, saw to it that the man was slain. Richard with his tall, fine figure, his blue eyes and fair hair, with his lordly condescensions and his fine ardours, was the most notable prince in Europe and the archetype of mediæval chivalry. He was lettered, too, and wrote quite reputable poetry in the South French style. He asked that his heart might be buried at Rouen and his body at

his father's feet at Font-Evraud, and there it was laid by Hugh, Bishop of Lincoln, the Carthusian saint who had been called from his Charterhouse to fill that see. He is one of the most striking figures of the period, in his gentle asceticism and his practical courage. Though a close friend of the King, he had resisted in 1197 a grant of military service which Hubert Walter, the Justiciar, who had replaced Walter of Rouen, demanded. The exact ground of the resistance is not very clear, but Hubert's action in defending what he considered Englishmen's rights has been held in grateful remembrance. It may have been resultant on this refusal that a great survey of England was carried out in the next year by the now common method of Inquest. It is to be noted that two local knights were added in each county to the body before whom the local jurors swore, a remote foreshadowing of the constitution of the "parliament" whose growth was to be the chief feature of the thirteenth century.

Richard on his death-bed named as his successor his brother John, known as "Lackland," because Henry II. had not originally given him a share in his continental possessions as he did to his other sons. Richard had originally intended that Arthur of Brittany, his brother Geoffrey's son, should succeed him, but his own premature death found Arthur but a boy, and Richard prevailed on the barons to swear allegiance to John. The French King supported Arthur, but John with the help of his mother Eleanor (who showed herself as discreet and helpful towards the sons she loved as she had been factious with the husband she disliked) prevailed, and Philip made peace in 1200. John's repudiation of his wife Isabella of Gloucester, and his marriage for an amorous whim with Isabella of Angoulême, the promised bride of Hugh of Lusignan, alienated the French King once more, and with his support Arthur made a new attempt to seize John's French possessions. He was taken prisoner, and in April 1203 died in the New Tower at Rouen. No one doubted that he was

murdered, and John's French subjects, quite alienated, made no further resistance to the French King. John sat feasting at Rouen in the spring of 1204 with his wife, while Philip annexed Normandy, boasting in a mad way that what was lost so easily could be as easily won back. Anjou was taken as easily, and later Poitou. Within two years nothing remained to the English King of his father's vast possessions in France but Guienne and Southern Aquitaine. The Gascons were as foreign to France as they were to the English, and preferred the more distant rule, and so remained under English rule for two and a half centuries longer. The loss of the Battle of Bouvines in 1213 put the final seal on the loss of John's French possessions. The defeat was due to the failure of the Emperor Otto IV. to co-operate in John's well-conceived plan, for John was no mean strategist in the periods of energy which alternated with his curious moods of indifferent luxury. The final severance came appropriately at the moment when an ultimatum, prepared by the leaders of the Church and the Baronage, was ready for presentation to John as a protest in the name of all the people against his misrule. From 1204 onwards John had perforce spent most of his time in England. He combined the indifference of Richard to England's welfare with some of the positive personal vices shamelessly avowed which had marked Rufus. His tyranny was not unlike that of the Red King, allowing for the march of time, but there was an element of gross cruelty in John which made his misrule more monstrous. He slowly starved to death the wife and son of William de Braose, the first baron who rose against him. He had twenty-eight youths, left as hostages by Welsh princes their fathers, hanged in a row. Discontent was first aroused by his continual levying of scutages and tallages, with which he performed no public service. He alienated the Church by his defiance of the interdict which the great Pope Innocent laid upon the land when John, on the death of Hubert Walter, obstinately refused to

accept as Archbishop of Canterbury Innocent's nominee Stephen Langton. The quarrel between the King and the Chapter of Canterbury over their respective nominees had given the chance for papal interference, and the greatest of all the popes was not the one to prove diffident in interference. After two years of menace England was put under interdict in March 1208. The churches were closed, and no services held or sacraments administered, except baptism and extreme unction allowed for the safety of souls. Most of the higher clergy fled, dreading the reprisals of the King, who enriched himself with vast confiscations of the Church's goods and lands. For five years John held his wayward course, and then, suddenly demoralized by the Pope's sentence of deposition, whose execution he entrusted to the French King, he rendered to Innocent a grovelling submission through the legate Pandulf. The French fleet lying at Damme ready for the invasion of England was destroyed, but the English nobles would not follow John to France to follow up the victory. Stephen Langton landed in England, absolved the King, and tendered to him the coronation oaths again. John had done well to keep Stephen out of England, for he proved a great patriot. He was an Englishman, probably a Northerner, and in so far his leadership of the opposition to the King's misrule typifies the consolidation of the Norman and English races which had been a steady process under the Angevin rule. Stephen's first act was to assemble the barons and read them a lecture with the Charter of Henry I. as text. They decided to take it as their watchword. Meanwhile the Battle of Bouvines was fought and lost, and John returned to England full of angry plans of revenge against the barons who had refused to follow him. He mustered his mercenaries; meanwhile the opposition presented their ultimatum; he must confirm the Charter of Henry I. (It is significant that neither Richard nor John had found it necessary to issue a charter at their accession.) John tried to foil them by meaningless

negotiations through Langton, who did not openly join the rising. At Easter 1215 a baronial army under five Earls mustered at Stamford and marched upon London. The citizens received them with open arms, and John drew off to Windsor. At Runnymede near by he was forced to set his hand to "Magna Charta," the famous Great Charter of English liberty, in which Langton and his advisers had striven to formulate all the grievances under which the nation groaned. A committee of twenty-five barons was to be elected to enforce its provisions, a clause significant of the faith given to John's promise. In point of fact he never meant to keep it. After the thing had been done and the barons had withdrawn he writhed on the ground in an agony of rage, shrieking hysterically that they "had given him five-and-twenty over-kings." He shortly obtained from Innocent absolution from his promise. The barons, desperate, defied the Pope's threats of excommunication, and took the false step of inviting Louis, the son of the French King, to England to lead their cause. This gave John a party. From May to October 1216 they fought, when John's sudden death ended the struggle and made a rearrangement of parties possible. The King had narrowly escaped drowning in crossing the Wash, where he lost his treasure; and, angry and exhausted, he persisted in eating fruit and drinking cider to his own destruction. He was buried in the church of St. Wulfstan at Worcester, and his memory remains most odious among English kings. The Great Charter which he had signed became the rallying-point for a new age. A long document of over sixty clauses, it has been traditionally regarded as summing up the principles of English liberty, and as being adequate for the interpretation of the nation's rights at any period. In point of fact it is little but a feudal document, and the rights it would enforce were feudal rights. Its very minuteness illustrates this. It was a charter of "liberties" rather than of "liberty." It provided against the King's misuse of his feudal rights over his

tenants. The kernel of a wider liberty is only discerned in the stipulation that they in their turn were to do likewise towards their vassals. The liberties enumerated do not touch the fate of the great mass of Englishmen who were still villeins. The Church was to have its "freedom"—freedom, that is, from royal encroachments, whereas it was the papal power which was growing in this century and resented in the next. From some points of view the Great Charter had a retrograde aspect, inasmuch as it sought to check the growth of royal justice. In short, if it is to be accepted as one of the three great chapters in the "Bible of the English Constitution," it is because Englishmen have read into it the hidden significance of an inspired text.

## CHAPTER IV

### THE BEGINNINGS OF THE CONSTITUTION (1216-1309)

THE limitations to the effects of the Great Charter on its own age finds ample illustration in the history of the years which follow. The opposition to John had shown some faint beginnings of national, rather than English, feeling. The foreign character of the classes who made history is emphasized by the story of misrule in the long reign of John's son, Henry III., from 1216 to 1272. The opposition, however, which at length put an end to the King's misrule, had in it a very definite English element, and serves to show how through the progress of years that race was coming into some degree of political power. Henry III., though born and bred in England, was a foreigner in feeling, perhaps more so than his father. He was personally attractive, handsome and well-made like his father, gentle and suave almost to weakness, though occasionally in anger he showed himself the son of John. When he came to power he attempted to model his rule of England on the system of the French kings, controlling the government himself and working it through a class of clerks able but undistinguished, mere routine workers. This was not unlike the system of Henry II., but his grandson was cast in a different mould. Henry III. had not the practical ability to carry out his ideal, and the result was a disorder which reproduced in effect if not in spirit the tyranny of a Rufus or a John. But all this was not yet. Henry was but nine years of age at his father's death. A reaction in favour of the national King was inevitable. The aged William

Marshall, Earl of Pembroke, one of the two Earls who had clung to John, acted as "ruler" of the young King, and reissued the Charter in his name. The nobles deserted Louis one by one, moved partly by national feeling, and partly by jealousy of the favours he gave to his French followers. Henry had the weight of the Church and Rome on his side, and the papal legate took a hand in the government. Louis with his Frenchmen were driven from the siege of Lincoln Castle within six months, and so great was the plunder, that the battle was known as the "Fair of Lincoln." This victory was followed up by a brilliant naval success conducted by the justiciar Hubert de Burgh. The story of the engagement, allowing for differences in equipment, reads like an anticipation of the Armada fight. The English got the weather-gauge in the fashion which becomes traditional in their naval warfare. They blinded their enemies with quicklime thrown in their faces down the wind. The victory put an end to Louis' hopes of invasion, and within a month he signed the Treaty of Lambeth, by which he agreed to forego his claims on England. William the Marshall issued the Charter once again, with the Forest Charter which John had promised. For the future fines or banishment were to replace death or mutilation as punishment for a breach of the Forest Laws, and thus the bitterest grievance which the Norman Conquest had brought to Englishmen was ended. The Marshall now turned his energies to restore order in the land, which was threatened with a repetition of the conditions of Stephen's reign. Adulterine castles had to be destroyed, and usurpations of royal justice wrested from local magnates. William died in 1219, and the work was taken up by Hubert de Burgh, with the loyal support of Pandulf, who had come a second time to England as papal legate. In these years no one attempted to deny the suzerainty which Innocent had won, and England was frankly worked as a papal fief. It was one of the great faults in Henry's government when he came to his own that

he never had the stamina or the inclination to resist the demands of the Pope. Hubert continued the work of the Marshall. He had most trouble with the nobles of the loyalist party, who had hoped much from the rule of a minor. Often an army had to be led against a defiant baron. In 1224 Falkes de Breaute, one of John's mercenary leaders, who had done splendid service at Lincoln, held Bedford Castle obstinately against the whole shire levy. The castle was surrendered after two months, and Falkes fled overseas. It was a salutary example, and marks an end of disorder arising from this source. In 1223 the Pope had declared Henry of age, but this was merely a move to make the King's friends disgorge the royal possessions they were holding during the minority. In 1227 he was actually declared of an age to govern, and he began with an act of evil augury, his angry dismissal of Hubert de Burgh through the influence of Peter des Roches, the Poitevin Bishop of Winchester and Henry's personal guardian even in the Marshall's day. This act strikes the note of the misrule of the next quarter of a century. Henry had all the weak man's obstinacy in following his own inclinations. He liked Frenchmen, and England in these years suffered what was practically an alien invasion. Peter des Roches was made justiciar, and Poitevins alone stood high in the King's favour. Peter induced Henry to give to his friend Peter of Rivaux nineteen out of the thirty-five English sherifdoms. In 1234 the new Archbishop of Canterbury, Edmund Rich, a scholar and a saint, induced Henry by threats of excommunication to banish Peter and his friends.

Henry did not appoint any more justiciars in the old sense, and gradually the office became merely that of chief justice. He occupied himself with vast schemes which never came to anything; justice was delayed, and money frittered away with no result. Henry soon fell back again on foreign favourites, and various hordes successively planted themselves on English soil. There

were first the family and the innumerable relations of his mother, Isabella of Angoulême, who married after John's death Hugh of Lusignan. In 1236 Henry married Eleanor of Provence, and a host of Provencals and Savoyards followed her to England. Even the archbishopric of Canterbury was prostituted at Edmund's death to one of these, Boniface of Savoy, an illiterate and quite worldly young man. Hardly distinguished at first from the throng of foreign favourites was Simon de Montfort, grandson of Amicia, Countess of Leicester. His father, the elder Simon, had supported Philip Augustus against John, and had forfeited the earldom of Leicester. He also distinguished himself in the campaign against heresy in the south of France. The younger Simon came to England in 1230, got back the earldom, and in 1238 married the King's sister, Eleanor. For four years from 1248 he performed the ungrateful task of governing Gascony. Henry had been defeated by the French King in Poitou in 1242, and was at his wits' end to curb resistance in Gascony when Montfort took over its government and kept order with a strong hand. Henry carped at his rule in his distrustful way, and the Earl having finished the task of imposing order gave up his governorship. He soon definitely put himself on the side of the opposition, which had been steadily growing, and which came to a head about this time.

The Church, or its better members, was as opposed to Henry's system as was the baronage. The Papacy had drained it all through the reign. Even Henry at one point protested at the scale on which money was wrung from the Church to support the Papacy in its great duel against the Hohenstaufen Emperors. But for the most part he acquiesced in the papal exactions. The papal countenance of the alien invasion of the English Church by Henry's friends indeed made this necessary. Grossteste, the famous Bishop of Lincoln and friend of Simon de Montfort, had opposed the abuse for years, but his standard of loyalty to the

Pope, the standard which was commonly accepted by the thirteenth-century Church, hampered his action. The foolish action of Henry in accepting for his second son Edmund the crown of Sicily, confiscated from the Hohenstaufen, crystallized the opposition. The King was to pay immense subsidies to win the kingdom, which merely meant that the English were to continue to subsidize the Papacy on a larger scale than before. The barons in 1258, at a meeting at Oxford, which the King's partisans called the Mad Parliament, notified the King that they were about to take measures to reform his government. A committee of twenty-four was chosen to draft a plan of reform. Twelve of these were chosen by the King, and it is significant that he chose six churchmen, four aliens, and two of his relatives. The opposition twelve contained but one churchman and one alien, Simon de Montfort. It was a curious chance that made a foreigner the heart and soul of the national opposition, and in spite of the arbitrariness and harshness which mingled with his better qualities, and which the next few years were to emphasize, there can be no doubt that Simon's sympathies were really national and not merely baronial. It may be that he saw that the only firm foundation from which to check the royal tyranny was a lower stratum than had yet acceded to political power. There is of course still the question whether this realization did more credit to his head or his heart.

The twenty-four drew up the Provisions of Oxford, transferring the government to a standing council of fifteen, with various other advisory committees. The conception of limited monarchy which had thus gained acceptance showed a great advance on the provisions of the Great Charter. The limited number of commissioners made for efficiency, and a certain amount of reforming work was done, such as the removal of royal officers and the changing of the sheriffs. The foreigners for the most part fled.

Soon, however, dissension broke out among the leaders of the opposition. It was rumoured that Robert of Gloucester was jealous of Earl Simon. The young Prince of Wales, Edward, was in these days receiving splendid schooling in statesmanship. Hitherto a thoughtless boy, he seems to have been sobered and matured by the shock of the opposition. Already he was forming a policy, and during the absence of both Simon and his father in 1259 he pressed the oligarchy to proceed with their task. The result was the reforms described in the Provisions of Westminster. In 1260 Simon and Edward made a kind of alliance against the party of Gloucester, who adopted an attitude of loyalty to the King. The situation was but momentary. Edward and his father were really firm friends, and were easily reconciled by Richard of Cornwall, the King's brother, who had throughout the reign exerted a wise and sober influence over Henry. Henry was, however, encouraged to obtain papal absolution from his promises. It was but natural that when the struggle reopened Edward should be found on his father's side. It was broken a moment by the agreement to submit the question as to whether the Provisions were binding to the King of France, the great statesman, crusader, and ascetic St. Louis. In spite of his great qualities Louis' view was bounded by the outlook of the autocratic monarchy which the French kings had built up. He found the Provisions invalid and derogatory. Simon in his turn proved false to his pledges, and refused to be bound by the "Mise of Amiens." It weakened his party, but Richard of Gloucester was now dead, and Simon had the loyal support of his son, the young Earl Gilbert. Simon's own four sons were greedy and ambitious, fighting largely for their own hand. At first, when the struggle reopened in 1264, the royalist party had the advantage, but they were no match for Simon in the open field. On 14th May he won the great battle of Lewes, and both the King and Prince were taken prisoner. Next day

the King accepted the Mise of Lewes, promising to uphold the Provisions of Oxford. Simon repeated the tactics of 1258, but this time three electors—himself, Gilbert of Gloucester, and the Bishop of Chichester—nominated a governing council of nine, who were to be supervised for a time by their electors. It was not even baronial government, but government by a party, and it meant the dictatorship of Simon. The royalists regarded the settlement merely as a truce. Simon in 1265 called together his "great Parliament," in which for the first time burgesses from cities and towns were summoned as well as knights of the shire to take part in the nation's counsels. There were several precedents for the summoning of knights of the shire. The thing was in the air. Even John had called them once. But the extension of the popular element was a stroke of genius, even if it was but a bid for popularity. This Parliament was, however, but an experiment, and contained the germ of the later House of Commons, but that is all. The measure gives us a glimpse into the mind of the man who was striving for a great cause against impossible odds.

The great leader was in a false position, and Earl Gilbert was alienated by the attitude of Montfort's sons. Prince Edward escaped and formed a party, and the young Earl of Gloucester went over to him. They led an army against Simon's remnant at Evesham, and with odds of seven to one the battle was but a massacre. Simon fell, with his son Henry and many of his closest friends. The King, who had been led into the battle by his side, was wounded and nearly killed in the confusion. Earl Simon's body was buried at the Grey Friars at Evesham, but his head was sent to the wife of Roger Mortimer, the Marches lord, who had been his great enemy. It was made a punishable crime to proclaim him a holy man, for he had died under the ban of the Church. But he received a popular if not papal canonization. He was after all a great patriot, and it was a true instinct which led the people to honour his

memory. His policy triumphed, for it was assimilated by the future King.

Henry was old and broken, Edward full of a wisdom beyond his years; and after the Earl's death, though there was still some fighting, and the "Disinherited" held out for many months at Kenilworth, a settlement was achieved. The Dictum of Kenilworth at the end of 1266 left their estates to the rebels, but exacted heavy fines. A year later the Statute of Malborough re-enacted the Provisions of Westminster. The government was given over into the hands of tried bureaucrats, and the King was content that it should be so. In 1270 Edward felt that he might safely join King Louis, who was going on Crusade for the second time. Louis died on the way, but Edward pressed on to raise the siege of Acre. A lurid light is shed on the passions of the time in the murder of Henry of Germany (son of Richard of Cornwall), attacked by Guy and Simon de Montfort while hearing mass at Uterbo, having turned back from the Crusade. They mangled his body in revenge for the mutilation their father had suffered after Evesham. Edward was summoned home from the Crusade, but too late to see his father before he died on 16th November 1272, after a reign of enormous length, during a time which had seen much distress and disorder in political life, but which had been after all a great period, for the policy of this King with the "heart of wax" could not stem the tide of a civilization swelling to the full.

It is a relief to turn from the political story to consider other aspects of the time. Europe was in a state of intellectual and moral ferment, of which the crusading movement was but one manifestation. New figures and new institutions expressing new ideals or the perfection of old ones crowd the canvas of European history. Early in Henry's reign the "grey friars," followers of St. Francis, the poor man of Assisi, and "black friars," disciples of the noble Spanish canon Dominic, landed in England to put their peculiar impress on her eccl-

siastical and social life. The monks had done great social and economic service, but the time was ripe for a new manifestation. The face of England was still mainly agricultural, but the towns had been steadily growing, and with them those contrasts of wealth and poverty which seem the inevitable accompaniments of civic life. The processes of borough development varied, but the commonest type was the towns which had grown up through the association of specialized artizans and traders to supply the more luxurious needs of a great lord or corporation as the standard of living rose. At first their tenure was merely feudal, but they gradually won for themselves the power of self-government. The Crusades gave an immense impetus to this movement, when needy nobles bartered their feudal power for gold. In some towns, and more especially in London, which had won from Richard the right to choose its mayor, a considerable alien population engaged in trade gave colour and variety. Most of the towns too had their "Jewry," where, behind their walls, the Jews lived, a proscribed and peculiar people. They enjoyed royal protection such as it was, for in an age which had not yet learnt to discount the Church's condemnation of usury the Jew was the only money-lender. Ever and anon the suppressed hatred with which the Christian regarded the Jew broke control, and massacres and lootings of their quarters form a characteristic phase of mediæval life in England. Generally a panic rumour was the cause, when some lost child was supposed to have been kidnapped and crucified by the Jews at their obscene festivals. The Dominicans under Henry III. strove to convert them, but it was a forlorn hope, and under Edward I., when their functions could be supplied by Italian bankers, they were driven from the realm to the number of over 16,000. No Jew had henceforth the right to set foot in England till Cromwell's day.

The Jewries consisted often of substantial and well-built houses, but it was in the crowded suburbs outside the walls of the town, where narrow streets of rough

cottages crowded upon one another, that the begging friars found their work. It was part of the Franciscan asceticism to tend the ill and leprous, but they and the black friars did their best work in preaching to the people in racy idiomatic phrases, which must have contrasted vividly with the old stereotyped and infrequent sermons of the parish priests. The friars seem to introduce a lively element into English life which helps to break up the "oriental passivity" which had marked the lower classes of Englishmen, in strong contrast to the vivid adventure and change which had been long the lot of their superiors. The friars' sermons were probably responsible for the introduction of words of foreign origin into spoken English, and they accelerated the movement by which the English tongue had all through the Angevin period been becoming in a minor way once more a literary language. It was an Oxford friar who voiced in English verse the gratitude of the people to Earl Simon. The friars too found favour among the great ones of the land. The cultivated Franciscan Adam Marsh was the friend and spiritual adviser of Earl Simon, but gravely held aloof from political strife. The scholarly Dominicans, and the Franciscans too, in spite of their founder's distrust of books, did much towards the development of those other most characteristic institutions of the thirteenth century, the universities. Already in the twelfth century there had been a tendency to erect in European centres where masters taught and students thronged, corporations of teachers with rigid rules and privileges. The Oxford schools had been active and distinguished since the days of Henry II. In 1214 the university came into being, formed on the model of Paris. For if thirteenth-century ideals were cosmopolitan, they found their highest expression in France. Hitherto Paris had claimed those English youths who were most greedy for knowledge. Now Oxford and, in a minor way, Cambridge held their own, though the great battles of the scholasticism which the century made perfect

were fought in Paris, and the Oxford scholars often proceeded later to the more distinguished university. The friars built large plain churches convenient for preaching, but the times saw an immense development in Gothic architecture, which was perhaps now at its best, combining a new lightness with the early plainness. Henry himself was a great builder. He rebuilt the east end of Westminster Abbey round the new tomb of the Confessor which he brought skilled workmen from Italy to make. The King, in spite of his foreign leanings, had a great devotion to the English saints, and he called his sons by English names. One of his great interests was the decoration of his houses and chapels, and many of his schemes remain to testify to his fine taste in colour and design. The age was full of colour. Dress, especially, now took on a greater richness in material and ornament, though the old flowing, simple styles were not altered. It is in this and in the decorative arts which supplement architecture that the infallible judgment of the age in matters of artistic taste is best shown. It is curious to reflect that this passionate love of beautiful things was combined with the utmost squalor in domestic arrangements. This is, however, but one of the violent contrasts of which the time is full and which make its fascination.

Edward I., who came to the English throne at the full tide of the mediæval period, was a very typical mediæval, and perhaps the greatest of our early kings. In appearance he was an ideal king, handsome and well-made, towering above ordinary men by a head and shoulders. He had inherited the curious droop of one eyelid which had slightly marred his father's face. He spoke with a stammer, but engagingly. He was the first King since the Conquest with an English name, and he was also the first who succeeded without any form of election. His reign was dated officially from the day after his father's death. Edward did not land in England until two years later, meanwhile making

a stay in Gascony, which as usual required to be put in order, and at Paris, where he did homage to the French King for his duchy. Things were quiet in England, but much work awaited Edward on his return. In the first part of his reign he issued a great series of "laws" which crystallized the reforming tendencies of the age. He had learnt much from Earl Simon on many subjects, and he eventually brought into permanent existence a wider parliamentary representation, recalling in his "Model Parliament" of 1295 the precedent of Simon's Parliament thirty years earlier. Not too much credit must be given to Edward for this. He had a true love for his people, but he was a man of his time, and there was no really democratic ideal in the Middle Ages. Edward loved power and clung to it, but he also loved efficiency. He needed much money for his enterprises, and he realized that efficient taxation must be accompanied by adequate representation, which he plausibly translated for the popular benefit into the maxim of Roman law, that "what touches all should be approved by all." Nevertheless his definition of the constitution of Parliament is a great feature of the reign. Subsequent Parliaments contained the shire and borough representatives, and also representatives of the lower clergy. At first the Estates voted separately. It was some forty years before two Houses were formed. The representatives of the lower clergy had soon fallen away, preferring to make their money grants in Convocation. The knights and burgesses drew together to form the House of Commons, acting separately from the Upper House. It was a feature of English as distinguished from continental society that there was no rigid division between gentry and traders. The younger sons of gentlemen frequently drifted into the ranks of trade, and eventually the reverse process became possible. The burgesses who were now admitted to Parliament were of course Englishmen, and though they may not have appreciated their privileges as much as posterity has done for them, the fact proves the growing importance of Englishmen in national life.

The first twenty years of the reign saw a great series of statutes. The first Parliament passed in 1275 the first Statute of Westminster, dealing especially with details which might ensure sound administration. It also provided a regular revenue for the King by granting him the custom on wool, wool fells, and leather, known later as the Great and Ancient Custom. The Statute of Gloucester in 1278 instituted inquiries under the writ *Quo Warranto* into the innumerable petty immunities and private jurisdictions which the barons had won largely at the expense of the hundred courts, mostly merely by the growth of custom. So bitter was the baronial feeling on this subject that Edward had to allow prescriptive rights to stand, but he took care to have a written record made, and no new immunities of the sort were possible. This was but one aspect of Edward's policy of eliminating feudalism from political life. In 1290 the Statute *Quia Emptores* checked the process of subinfeudation, and so acted in the same direction. For the future persons receiving a grant of land must hold it from the original lord, so that in time quite poor men became tenants-in-chief, and one of the main ideas of feudalism was rendered an absurdity. On the other hand, Edward instituted the system of entail, which has preserved a feudal element in the tenure of land to our own day.

Edward's attitude to the Church was consistent with his general policy. Though a loyal son of the Church, he was anxious for national control. The archbishops of his time, the Franciscan Peckham and Winchelsea, were Englishmen, but they, and especially the former, were full of the papalist ideas of Hildebrand and Innocent. Peckham indeed would sometimes have entrenched on royal authority, but Edward was watchful, and the archbishop was no Becket. The Statute of Mortmain checked the passing of land into the "dead hand" of the Church, for the continuity of corporations deprived the lord of such feudal perquisites as wardships. Edward also defined strictly the jurisdiction of the Church courts.

Edward's national policy had one other notable

aspect. He was bent on the conquest of Wales and Scotland, anticipating a natural political union which was not to be achieved for another three centuries. Wales included the Marches, ruled by Norman lords, and what later became the Principality in the north, ruled by native princes. The Welsh prince Llewellyn ap Gruffydd had supported Earl Simon, and had won Cardigan and Carmarthen. His power was so great that in 1267 Henry had recognised him officially as Prince of Wales. Success seems to have distorted his political vision, and he thought it possible to refuse homage to Edward, who therefore, in 1277, invaded Wales and blocked up Llewellyn's army in Snowdon. The Welsh prince was defeated, his southern conquests forfeited, and he himself reduced to a very close dependence on the English King, who for five years strove to impose the English system of government on the Principality. The Celtic customs died hard, and in 1282 a general rising stirred the land. David, Llewellyn's brother, who had submitted to Edward and received lands in the Marches, took part in it. Llewellyn was killed at Orewyn Bridge in December 1282, and three months later David was hunted down in the fastnesses of Snowdon, and died the disgraceful death of a traitor. The English system was rigidly imposed, and some forlorn revolts easily suppressed. In 1301 Edward's only surviving son, and his namesake, was invested with the Principality. But the Welsh ever felt themselves a race apart, as their rebellion under Owen Glendower a century later showed.

Edward's attempts to conquer Scotland fill the last years of his reign. He had a unique opportunity when, in 1286, the "Maid of Norway" died on her way to Scotland to be made queen. The Scotch consented to leave the decision between the rights of the thirteen claimants to Edward as suzerain of Scotland. He decided in favour of John Balliol, who was accordingly crowned king. But he and the Scotch resented very soon the interpretation which Edward put on his suzerainty. The feudal bond to England which had

from time to time been acknowledged by Scottish kings had been very loose, in fact merely nominal. Edward, by encouraging appeals from the Scotch Courts to Westminster, and by his general attitude, threatened to make it a real subjection. Balliol in 1295 made a league with the new King of France, Philip IV., who, unlike his predecessor, was unfriendly to Edward, and had the year before tricked him out of his duchy of Guienne. With the grants made by the "Model Parliament" Edward equipped himself for the invasion of Scotland. He carried all before him; the lords did him homage, and he deposed Balliol. He left a lieutenant to administer Scotch law, but on the startling news of the successful revolt of the Scotch under William Wallace, a Renfrewshire knight, Edward invaded Scotland a second time, and won the battle of Falkirk by the tactics dating from Hastings of combining a cavalry attack with showers of arrows. But Edward could not follow up his victory through distractions elsewhere. In 1299, his first wife, Eleanor, and mother of thirteen of his children, having died nine years before, he married for political convenience the French King's sister, and so got Gascony back again. The two Kings joined in resistance to the abnormal claims of Pope Boniface VIII., which Philip was to follow up with violence, removing the seat of the Papacy to Avignon in 1305, thus beginning the "Babylonian Captivity" of the Popes. In 1303 Edward turned again to Scotland, and in 1305 Wallace was captured and executed, and Scotland seemed to be conquered once more. But the next year her cause found its most heroic defender in Robert Bruce, grandson of the chief rival of John Balliol. Weary but indomitable, at the age of seventy, Edward was on the march once more to Scotland, when he died at Burgh-on-Sands 7th July 1307.

Edward's eager prosecution of his schemes in France and Scotland had led him into conflicts with his subjects which give us the measure of his constitutionalism. Preparing for a great expedition to France in 1297, he levied a heavy customs duty on wool, and even laid

hands on wool ready for shipping. This "maltolt" was bitterly resented, and when Edward in Flanders sent home for more money next year, Parliament made a grant, but coupled with it a petition that the King would confirm the Charters, and that henceforth no maltolts or taxes not legally granted should be raised. The King swore an oath to observe this, and the incident marks an advance in the power of Parliament. The chief nobles had refused to follow the King overseas in their feudal capacity, and Edward definitely waived his claim to demand such service. Most of the nobles went with him as stipendiaries, but the Earls of Norfolk and Hereford refused even this, and it was they, joined with Archbishop Winchelsea, who led the movement against Edward's irregular taxation. Obviously there was a factious element. Archbishop Winchelsea was incensed against Edward for his outlawry of the clergy in 1296, when they, in accordance with the famous bull of Boniface, *Clericis Laicos*, refused to make the King any grant in his time of need. Edward was naturally incensed at the claim to exempt the ecclesiastical lands from taxation. Finally a compromise was made, by which the clergy made a "voluntary gift" to the King and were inlawed. On Edward's return to England the opposition pressed for the formal confirmation of the Charters. Edward evaded the question with great dexterity, but consented in 1300 to certain *Articuli super Cartas* which formed in effect a confirmation. The spectacle of the founder of our modern Parliament having these, to us, elementary principles of constitutional government thrust upon him is instructive. Edward resented it bitterly, and as, like many paragons of mediæval chivalry, he interpreted a promise by the letter rather than the spirit, in spite of his motto "keep troth," he obtained papal absolution from his oaths—but kept them. Our sympathies go out to him in his eager pursuit of his great aims, and the virtue of his kingship is attested by the contrast of the years which follow.

## CHAPTER V

### A CENTURY OF UNREST (1307-1399)

THE story of the twenty years' reign of Edward's son, Edward of Carnarvon, shows how great a part the personality of the King still played in the English system. It is a sordid yet withal tragic tale. The new king was almost as handsome and fine a man physically as his father, but utterly unlike him in character. He had not even the frivolous seriousness of Henry III. He frankly disliked the duties of kingship, and would refer matters of State to his "good brother Piers." His favouritism of this Piers Gaveston, a Gascon, who had been practically his foster brother, was bitterly resented. Edward sent his father's body to Westminster, in spite of his request that it should be carried with the army to victory over the Scots. There was no such victory. Robert Bruce carried all before him, while Edward left the languid pursuit of the war to others. In 1314 public opinion forced him to march north to defend Stirling, the last great stronghold in English hands. The result was the great Scotch victory at Bannockburn, which decided Scotland's independence throughout the Middle Ages, a fact which Edward had to recognize by a formal truce ten years later. Edward hated war, and had no knowledge of tactics. His method was a blind onslaught with his men-at-arms, his archery being wasted. The loss of Scotland formed but one element in Edward's unpopularity, which had grown steadily throughout his reign. The great nobles early formed an opposition, and that it proved so long futile was due to the fact that it was a baronial rather

than a national resistance, and the day of the great baronage was really over in the political sense.

The leader was Earl Thomas of Lancaster, a violent and passionate man, relentless to resist but powerless to construct, the richest and greediest of all the English earls. Gaveston, who was not incompetent, and was certainly brave in spite of his frivolity, had been banished by Edward I. Twice again he was sent out of England, but always came back. In 1311 the old device of a reforming committee was revived ; twenty-one "Lords Ordainers" were appointed to reform the realm by their Ordinances. The King was put in tutelage. The Ordainers drew up a list of reforms, but gave their attention chiefly to revenge. Gaveston was captured, and withdrawn from the hands of justice by the Earl of Warwick, whom he had nicknamed the "Black Dog." He was summarily beheaded, and Edward had to forgive the outrage, and was then given once more some degree of power. The defeat at Bannockburn made Edward very unpopular, and Lancaster practically seized the royal power for four years, but accomplishing nothing lost the support of the nobles. Edward had now another chance. He gave his favours to Hugh Despenser, a great baron and bitter enemy of Lancaster, and to the younger Despenser of the same name. With their help the baronial opposition was broken up, and Lancaster, taken in battle, was beheaded. He was the least worthy of the series of men who were reputed saints by popular acclamation. For he was no true patriot, and had not even ability to justify his ambition. The Despensers now ruled for Edward, but were ever seeking their own hand. The time was ripe for a new opponent, and such an one was found in the King's own household. He had wedded in 1308 Isabella, the twelve-year-old daughter of the French King, and had consistently neglected her, not the most amiable of wives. After a quarrel she was foolishly allowed to cross on an embassy to her brother, Charles IV. She got possession of the person of the young prince Edward. She was joined by Roger

Mortimer, a friend of Earl Thomas, and her secret paramour. With an army they landed in England, and the baronage rallied to them. The two Despensers fled, but were caught and executed. Edward was forced to abdicate in favour of his son on 20th January 1327, and some months later was foully done to death in his prison at Berkeley Castle. He was perhaps the most worthless of our kings, for if he had not the malice neither had he the ability of John. The tragedy of his fate is rendered more wretched by the sordid aims and unworthy character of his opponents.

For three years Mortimer and Isabella ruled England in their own interest. Then the young King seized power. Mortimer was executed at Tyburn for the murder of the King, and Isabella retired into private life. The strength of character of the boy of eighteen who effected this *coup de main* is obvious. Edward III. in his long reign of half a century showed himself in many ways the worthy grandson of Edward I. He resembled his father and grandfather in physical type. Like Edward I. he was full of great projects, schemes indeed impossible to carry out. Yet the aims of the first Edward were more feasible. His grandson took but little interest in Scotland, and concentrated his efforts on an attempt to conquer France. He was a great soldier, but not a great general. The period saw brilliant victories but ill-conceived campaigns, and when all is said the attempt bore little fruit in territorial gain, but it affected very considerable constitutional development in England. Edward was the very type of fourteenth-century knighthood, which differed in a subtle way from that of the thirteenth century. There was more of show and less simplicity; less violence, perhaps, but the new refinement covered a more essential coarseness. There was a new suavity in men's relations to each other which partly arose from frivolity. Thus it is that while Edward III. resembled his grandfather in many things, his personality makes a different impression, of unreality and insincerity. Yet Edward was

quite as much a constitutional king as Edward I.; in fact he yielded more easily, on many points, partly from indifference, his mind being set on other things. Yet Edward did not begin the "Hundred Years' War" with France as a mere knightly experiment. The time was ripe for such a struggle. France was being at last welded into a nation, and the English possessions in the south were an anomaly. Force and guile had been repeatedly used to wrest them from the English kings, and the great war was really fought to decide the perennial dispute. There were minor causes of quarrel. The French King had helped the Scotch resistance to Edward Balliol, whom Edward had supported in the beginning of his reign in his seizure of the Scotch crown during the minority of David Bruce. Balliol's concessions to the English King lost him his popularity and his crown, and the reinstatement of David marks the beginning of the alliance between France and Scotland which was to outlast the Middle Ages. Moreover, there were constant bickerings on the narrow seas between English and French sailors. Philip VI. was supporting his vassal the Count of Flanders in his attack on the great clothing towns, which were the chief market for English wool. Nevertheless the spoken cause of the war was Edward's claim to the French throne, a claim which only the indeterminateness of mediæval laws of succession made less ridiculous to that day than it is to ours. It would be impossible here to describe the process of the war. It was declared in 1337, and Edward made expensive and fruitless raids in the North of France against an enemy which would not fight him in the open. In 1340 the English won a great naval victory at Sluys, the French fleet which had been prepared to invade England being annihilated. The fight was one of the steps in the building up of England's great naval tradition, but the battle was fought as a land battle, the ships grappling and the men engaging in hand-to-hand fight. French opposition by sea was nullified

for twenty years. A dispute over the Breton succession gave Edward another foothold in France, but it was not till 1346, when he abandoned allied troops and led an English army into the very heart of France, that he achieved success. Marching on Paris he was intercepted by the French King at Crécy, and won a brilliant victory by the tactics which became traditional, the combination of men-at-arms on foot with longbow archers. It was a democratic formation, and it became traditionally successful against the heavy and immobile aristocratic cavalry of France. It was symbolical of the national development which England had achieved in contrast with the feudalism which still dominated society in France. Calais was captured before the end of the campaign, and the next few years were marked by a series of truces. In 1355 Edward's eldest son, the Black Prince, who had won his spurs at Crécy, made a great raid through Languedoc, and in the next autumn led an army ravaging towards the Loire. He was met at Poitiers by an army under the new French King John. The French seem to have made an attempt to copy the English tactics, but their armies were incorrigibly aristocratic. The English won a great victory, and King John was taken prisoner. With the true theatricality of the fourteenth-century knight, the Prince waited personally on him at table. King John came in honourable bondage to England, and though he went back once to France, when it was seen that she could not raise his ransom, he came back again and died a prisoner. The mere sketch of the war can give no idea of the misery it brought to France, full of revolt and unrest. The effects of the Black Death, felt all over Europe, were aggravated there by the ravages of the Englishmen and all the miseries which war brings. In 1360, by the Peace of Bretigny, Edward, who never meant his claim to the throne to be taken seriously, formally renounced it, but the Duchy of Aquitaine, in its largest interpretation equal to half of France south of the Loire, was formally yielded up

to him, as well as Calais. The Duchy was placed under the government of the Black Prince, who had won it. In 1364 Charles V. became King of France, an abler man than his father. The Black Prince found Aquitaine in its swollen form hard to hold, and when in 1369 he went to Spain to win victories for the unworthy Pedro the Cruel, his French subjects appealed to the French King against his taxation. War broke out again. The Black Prince, returning ill from Spain, could no longer lead it. He strove, however, in the south, while John of Gaunt, his younger brother, repeated Edward's earlier raiding policy in the north. In 1370 the Black Prince stained his record by sacking Limoges, the chief town of the small district he had reconquered. It was a characteristic act of mediæval cruelty motived by ungovernable passion. He returned incapacitated to England, and died in 1377. His father had fallen into decrepitude, old like many mediævals at sixty. During the next five years England lost almost all she had won in France. The year 1375 found the victor of Crécy suing for peace. He gained a truce.

Meanwhile, depressed and broken in body and spirit, Edward had fallen on evil days at home. His reign had seen a steady development in the power of the Commons, for Edward had needed immense funds, and this was always the nation's opportunity. It was becoming increasingly difficult for the King to "live of his own" as expenses increased. Feudal aids were dwindling, and the profits from the royal domain and royal justice were inadequate. The King had the "ancient customs," and tried by separate negotiations with the merchants to extend his profits in this direction. In 1340 Edward conceded that "no charge or aid" should be imposed henceforth without the consent of Parliament. Twice later Parliament checked the growth of indirect taxation by forbidding any charge to be set upon wool without its consent. Moreover, under Edward all evasiveness in meeting the Parlia-

ment's petitions was made impossible. They took the form of bills, to which the King must answer definitely with consent or refusal. A certain advance was made in the direction of appropriation of supplies when money was definitely granted for the pursuance of the French war. Edward even conceded to Parliament the right to audit the national accounts, though this concession was made in the spirit of much of his compliance, and became a dead letter. The control of Parliament over the executive hardly existed, though in the criticisms of the "Good Parliament" at the end of the reign a beginning was made even here. The Commons seem to have been genuinely loth to give advice on foreign policy, and even when consulted excused themselves as "too simple and ignorant" to give counsel on such. The last few years of the reign, when Edward had fallen into senile decay, saw much corruption and maladministration. Two parties opposed each other in the State; the quarrel partook of the nature of a family dispute, but had some of the notes of a constitutional struggle. The chief man who had power with the King was his son, John of Gaunt, Earl of Lancaster; the chief woman was Alice Perrers, a mistress of a low type. (Queen Philippa had died in 1369.) Many motives combined towards the unpopularity of John of Gaunt. There was the failure of the French war, which he could not help. He was hated by the churchmen, for he was tainted, if not with the new heresy which was filling men's minds with wonder, certainly with anti-clericism. He had caused the dismissal of the King's clerical ministers in 1371, and William of Wykeham, Bishop of Winchester, the famous patron of learning who had been chancellor, was one of his chief opponents. John of Gaunt was not a bad man, but he was ambitious beyond his abilities, and he had certainly given countenance to the unworthy dependents who surrounded Edward. The opposition to his influence came to a head in the "Good Parliament" of 1376. It had the support of the Black Prince, who died while it was in session. It presented

140 petitions, and though none of its work was put into permanent form, the claims it put forward remained on record and formed a valuable precedent. It fell back on the old device of appointing a council of supervision. The court was cleared of the worthless favourites, but next year John of Gaunt was able to pack a Parliament through the Sheriffs. He had already "by royal edict" declared the acts of the previous Parliament null and void. He had even brought Alice Perrers back, and she was there to steal the jewels from the corpse of Edward ere it was cold. The King died on the 21st of June 1377.

The minority of Richard II., the Black Prince's son, reads almost like a chapter out of the last years of Edward's life. After a brief period of retirement John of Gaunt had chief influence in the State. The government was weak, taxation was heavy; the French were harrying the very coast of England, yet pride forbade a peace. Forces which had been at work all through the century now exploded. The fourteenth century in its social, economic, and in a minor degree its religious life, presents a deep contrast to the centuries which had gone before. The passivity which had marked the lower strata of the population gave place to a new self-consciousness which is almost modern. Indeed the age is full of anticipations of modern things, though these must not be over-emphasized. Much which arrests the attention of the historian was but transitory, and there was indeed less of this spurious modernity in the next century when the mediæval system was indeed fast breaking up. The notes of the new unrest are the social and economic agitations partly resultant on the recurrent visitations of the Black Death, and linked with the incipient forces of heresy in religion represented by John Wycliffe and his followers. The "Black" or "Foul Death" was a plague which three times in this century swept over Europe from the East, decimating populations and causing untold misery to an age which had no sanitary

science. It came to England in 1349, 1361, and 1369. The mysterious scourge has created almost as deep an impression on posterity as on its own age, but it is not so much a determining as an arresting factor in English economic history. It has been estimated that it swept away half the English population, which the most generous computation estimates at five millions and the most grudging at two and a half, so that even on the more liberal estimate the whole population of England did not equal that of London to-day. It has been estimated that the population of a large borough in the Middle Ages would be from 500 to 1000 all told.

The immediate and obvious consequence of the plague was a scarcity of labour. Corn ripened and rotted for want of reapers, and a general depression threatened the landowners. Tradition used to tell how these strove to undo a process which had been going on, and in fact was almost completed before the visitation—the commutation of feudal service for money payment. In fact this process had been going on, but was far from completed. With the depletion of the labourers labour was now more valuable than money. But the evidence goes to show that it was the villein rather than the lord who was the innovator in the economic disputes of the period. It is hardly thinkable that the landowners could attempt to revive obsolete rights. On the other hand the great demand for his labour must have compelled the villein irresistibly to push further the system of commutation. Moreover, the class of paid labourers which had grown up as a natural corollary to commutation demanded higher wages as the market widened.

In the years following the first visitation of the plague Parliament strove, with true mediæval blindness to the irresistible character of economic forces, to stay up the cause of the landowner as against the labourers, and to settle the rate of wages throughout the land, but in vain. The landowners themselves evaded the Statutes of Labourers, and paid the higher rate. The

process of commutation was hastened rather than retarded, for a lord would sometimes commute labour service so as to keep the villein on his holding, for one effect of the century's unrest was to make the population more mobile. The Black Death really gave a further impetus to forces already at work, and the disorganization aided in the growth of the new self-consciousness which marked the times. Apart from the actual physical misery of sickness, the trading and labouring classes profited rather than suffered; the former by a general rise in prices, the latter by the rise in wages. The real sufferers were the landowners, who now tended to abandon the old system of farming their demesne through bailiffs, and let portions out to tenant farmers, who became the common type of the agricultural population. Thus feudalism, which had been practically eliminated from political life, became an attenuated element in the economic structure. Nevertheless the age was full of discontent. Strange new heretics were seen flagellating themselves in the streets of London. John Wycliffe at Oxford was formulating his dictum that "dominion is founded on grace," which when it filtered through to the people was translated into "bad men should be deprived of their property." John Ball, known as "the mad priest of Kent," was preaching a socialist gospel from the text, *When Adam dalf and Eve span, Who was then the gentleman?* The great mediæval English poem, *Piers the Plowman*, though chiefly a plaint on the moral decay of the age, was also quarried for texts.

The religious element was certainly less marked than the social in the movement among the people. It had its counterpart in the anti-clericalism of John of Gaunt, who was a friend of Wycliffe. The antipapal legislation which had marked the reign of Edward had but a superficial connection with it. In 1351 the Statute of Provisors forbade papal provision to English benefices, and the First Statute of *Præmunire* was passed in 1353 forbidding men "to draw any out of

the realm in plea," a blow aimed at papal jurisdiction. A second and more famous Statute of Praemunire was passed in 1393 and extended in 1400, but like much mediæval legislation they expressed the ideal rather than the practice. They form one manifestation of the growing sense of nationalism which was marked by the increasing use of English as their ordinary speech by the upper classes, and which was shown in the blank refusal of the papal demand for the arrears of the tribute John had yearly paid to Rome. The anti-papal policy was partly anti-French, for the papal seat being at Avignon, the popes were more or less under French influence. It does not represent in any sense a breaking away from the spiritual authority of Rome. The new heresy for the most part reached only the lower classes, and only a section of them.

The pent-up excitement of the times found most vivid expression in the Peasants' Revolt of 1381. The spark which kindled the flame was a heavy poll-tax, with no adequate gradation, of a shilling a head on all adult persons. The commissioners who went out to revise the returns were met by risings everywhere. They had in them a strange unanimity. Watchwords passed from village to village, and gave an impression of elaborate organization, but this is probably delusive. The leaders were local agitators, and the grievances were local and definite. True, John Ball helped to inspire the Kentish rising. John Wycliffe had sent out his "poor priests" in 1378 to preach a simple gospel life, but there is no real evidence that they took any part in the agitation, though obviously they formed one element the more, tempting men from their routine. The Kentish men who marched upon London complained chiefly of misgovernment; their grievances were political. In Essex and East Anglia the social unrest found voice. The demand was for freedom from villeinage. The isolated risings in the towns of the north and west had for the most part their origin in the discontent of the poorer citizens against the rule

of an oligarchy. The Kentish revolt had most prominence. The political nature of its aims is emphasized by the fact that the Londoners opened their gates to the mob under Wat Tyler. John of Gaunt's palace of the Savoy was wrecked, with many other buildings. The boy king rode out to meet Wat Tyler at Mile End, and gave the rebels the charters they demanded. But Tyler, who must have been a mere demagogue, went back into the city, broke into the Tower, murdering the Chancellor Archbishop Sudbury, the treasurer and other officials. The mob then turned to burning houses and slaying every official they could find, completely alienating the neutral population. Next day the King met them again at Smithfield, when Tyler proposed to him a complete socialist programme, probably meaning to follow up a refusal with further violence. Richard, a slim handsome boy of fourteen, was cool and collected, and when Tyler threatened one of the King's attendants with his dagger, William Walworth, the mayor, struck him dead with his cutlass. Richard with amazing courage held the bewildered mob in parley while Walworth rode back into the city and returned with the militia. The rebels seeing themselves caught in a trap and leaderless, sulkily dispersed. An army marched through Essex and the rebels melted away. Many leaders were hanged, John Ball among the number. Parliament declared the King's charters null and void, laying stress on the necessity of parliamentary consent to render them valid. The revolt is one of the most picturesque incidents in the Middle Ages, but its importance as a historical factor has been exaggerated. It may have effected a temporary reaction against the process by which the serfs were becoming free, but it was hardly appreciable. In the next century serfdom is already an anachronism.

The general religious excitement, too, seems to have died down, though Lollardy was a force in the land. Wycliffe in these years had been developing his doc-

trine, and in his denial of transubstantiation was preaching heresy. His teaching was condemned by a Council at Blackfriars, but whether he recanted or not he was allowed to retire to his church at Lutterworth, where he died while hearing mass two years later. John of Gaunt drew off from him, for he would not countenance open heresy, but there was an anti-clerical tone at the court until the end of the reign, though Wycliffe's followers the "Lollards" were consistently hunted out and imprisoned.

For three years after the Peasants' Revolt the young King who had shown such precocious judgment was under tutelage. When he was emancipated he resented the interference of his uncles. John of Gaunt went to Spain, but Thomas of Woodstock, Duke of Gloucester, his younger uncle, a factious and unscrupulous man, remained. Richard's complete confidence in Michael de la Pole, later made Earl of Suffolk, and the young noble, Robert de Vere, who became Duke of Ireland, was resented. One was a wise, and neither were bad men, but Richard was extravagant in the honours he heaped upon them. He was lavish too in his expenditure, and petulant and resentful of interference. The attack which Gloucester made was less a constitutional than a factious opposition, but Richard had to bow to it. In 1386 Gloucester by an attack in Parliament forced Richard to dismiss his ministers and accept a council of control. Suffolk was impeached—that is, presented by the House of Commons at the bar of the House of Lords, a process which the Good Parliament had devised. He was imprisoned, but released by Richard in 1387, but Gloucester, supported by the Earls of Warwick, Arundel, Nottingham, and Henry of Derby, John of Gaunt's son, took up arms and defeated the small royalist army under Suffolk at Radcot Bridge. The five lords "appealed" the King's friends of treason. Suffolk and Oxford fled oversea. The Merciless Parliament found them and others of the King's friends guilty of treason, and eight or nine were executed.

Richard with admirable self-control submitted to the inevitable, and allowed himself to be subjected to a council. The next year he declared himself of an age to rule, and chose his own ministers. His conduct now was in strong contrast to his levity before. He chose William of Wykeham as his chancellor and restored the appellants to his council in 1390. This period was marked by wise rule in a constitutional spirit. In 1396 Richard made a truce of twenty-five years with France, marrying Isabella, the seven-year-old daughter of the French King, his first wife Anne of Bohemia having died two years before. There had been a peculiarly deep affection between the King and his wife, and Richard was frenzied with grief.

The new friendship with France marks a turning-point in Richard's career. The whole character of his temper and policy changes. He may have been bitten with a fever of admiration for the despotism of the French kings and resolved to imitate it, or he may have been nursing for eight years the plan of a ghastly revenge. Either explanation seems inadequate, and the psychology of this crisis remains perhaps the greatest mystery in mediæval history. The suggestion that Richard's mind was unhinged is a plausible solution. The facts are flagrant enough. In the Parliament which met in January 1397, a member, Haxey, was condemned as a traitor for complaining of court extravagance. Richard affected to believe that the appellants designed new treason. Gloucester was arrested, sent overseas, and murdered at Calais. The Earls of Warwick and Arundel were executed, and Archbishop Arundel, the brother of the Earl, banished. The Earls of Derby and Nottingham had posed recently as friends of Richard, and were made Dukes of Hereford and Norfolk respectively. In the next year a packed Parliament delegated its powers to a committee of the King's friends after granting Richard a life revenue. In the autumn of this year Hereford and Norfolk were banished the realm on a frivolous pretext, and the King's revenge

was complete. The action of the Parliament was most alarming, and the possibility of such submissiveness on the part of the representatives illustrates the limitations of parliamentary development. Richard seems to have contemplated a despotism very much like that developed later by the Tudors; but only complete exhaustion made the Tudor despotism possible, and England was yet to see a century of struggle and experiment. Richard's rule meanwhile was most arbitrary. Fines and loans were raised on every side. His violent language is argument against his sanity. His misrule did not last long. While he was absent in Ireland in the summer of 1399 (he was one of the few mediæval kings who had any statesmanlike idea of its government), Henry of Derby, accompanied by Archbishop Arundel, came back to claim his forfeited Duchy of Lancaster. So many rallied to his cause that he dared more, and claimed the throne itself. Richard returned hastily, but made no adequate resistance. He seemed completely confused and demoralized, and within three weeks consented to abdicate on condition that his life should be spared and an honourable livelihood granted to him. Henry of Bolingbroke claimed the throne by right of descent and conquest. The former ground was impossible, for his father was third son of Edward III., and Richard's direct heir (as he had no children) was the child Edmund of March, descended from Lionel, Duke of Clarence, Edward's second son. The claim on the ground of conquest was insulting. Henry's real strength was that he had the nation at his back, wearied of Richard's caprice. He is the least consistent figure in the roll of English kings. Extravagant, even effeminate in his tastes, loving the eccentricities of dress which the age developed, he yet gives occasional glimpses of seriousness of purpose. It is difficult to forget his reckless boy's courage in face of the peasant mob, and apart from his revenge on the Appellants who had dealt so mercilessly with his friends, no act of cruelty can be laid to his charge. The pusil-

lanimity of his abdication is almost redeemed by his dignified conviction that he could not "put off the ghostly honour of the royal anointing." He died within a year, probably done to death, if not by violence by the more insidious method of privation.

It is to be noted that the Lancastrian Revolution as well as the dynastic struggles of the next century was precipitated by Edward III.'s policy of gathering up the great earldoms into the hands of members of the royal family. He sought to disarm baronial opposition, relying on the strength of family feeling. He was utterly mistaken. The struggles of the fifteenth century were chiefly in the nature of a family quarrel. Richard was the first victim of the mistake.

With the accession of Henry IV. begins a new period, separated by marked differences from the fourteenth century. If the story of that century has loomed in sombre colours it must be remembered that it had other aspects. Against the melancholy plaints of the author or authors of *Piers the Plowman* must be set the more perfect poetry of Chaucer with its new joyousness and humour, which must have had its counterpart somewhere in the national life.

## CHAPTER VI

### THE BREAK-UP OF THE MIDDLE AGES (1399-1485)

THE fifteenth century exhibits the worst aspects of the mediæval system. Something of idealism redeems the cruelty of the previous centuries, but the new century was marked by a new jealousy and coarseness. The age wears itself out in faction fights, in which each man seeks his own hand. The second part of the Hundred Years' War arose not from the national impulses which formed one element in the first part, but as a device of a King hard pressed at home anxious to dazzle opposition by his military prowess. It was an age of spurious romance; it achieved the spurious forms of a constitutionalism which broke down before an equally hollow revival of feudalism. It had no genuine literature, but only imitations. Even the flow of Latin chronicles stopped short. Dress was no less splendid than in the previous age, but female dress at least degenerated in design. The time produced a characteristic architecture, beautiful at its best, but with a tendency to over-emphasize detail. The chief mark which the incipient Renaissance made on England was an approximation to the violence which characterized the Italian politics of the time. Torture was now first used as part of a legal process, whereas in the true Middle Ages a scrupulous delicacy had forbore to fetter an accused man in court lest this should undermine his self-possession.

There were, it is true, side currents towards better things. In 1477 William Caxton set up his printing press in Westminster Sanctuary, and produced labori-

ously beautiful editions of English and Latin works. Yet chief among his patrons was that John Tiptoft, Earl of Worcester, who, as Constable under Edward IV., earned a monstrous reputation for the ruthless doing to death of his political enemies by an unprecedented application of the principles of Roman Law which he had learnt at Padua.

Besides the suppression of heresy in the earlier period, there is little to relate of Church history. Corporations grew rich, and though new monasteries were established, the tendency was rather towards the foundation of schools and colleges. This quiet in religious life was perhaps not altogether a bad sign, and it finds its parallel in that of the people as apart from the nobles. Trade flourished, and the agricultural population was flourishing. It is only the upper classes which have a history. The age is full of incident, but it is a repetition of incident, and its history is best briefly told in the summary of the tendencies which the details merely serve to illustrate.

Henry IV. came to the throne as a parliamentary sovereign, and he reigned as the slave of an assembly which had degenerated in its spirit and policy. Henry had great need of funds to quell the opposition which met his rule on every side. The Welsh and Scots were against him. In Wales, Owen Glendower still held out at Henry's death. The Percies beat the Scotch for him at Homildon Hill, and then the King himself had to subdue them. The Orleanists in France invaded Guienne ostensibly on Richard's behalf. Henry raised expeditions to face all this opposition, but Parliament refused to make adequate supplies, and hampered the King so that he could not give the kingdom that "good governaunce" which was the crying need of this century. It is difficult to feel any enthusiasm for the parliamentary victories of the period for this very reason. The assembly won rights of control, while what was really needed was a strong executive. The tale, however, must be told, and the principles which

Parliament vindicated had their value as precedents in an age which was ripe for their application. Henry was forced to nominate his council in Parliament, and to agree to appropriation of supplies and audit of accounts.

Another aspect of the reign was the emphasis of orthodoxy. Archbishop Arundel had helped Henry to win the crown, and in 1401 the statute *De hæretico comburendo* was passed, which made death by fire the penalty for obstinate heresy. The first to suffer was William Sawtre, a Lollard priest of London, and several clerics and laymen were burnt during the reign. Yet the King had allowed the summary execution of Archbishop Scrope, who had taken part in the Northern rising. The last years of Henry's reign were more secure, but he was dying of leprosy. His son Prince Henry, it was said, had designs on his crown. The court was divided by faction, involving no principle. Henry died in March 1413, having drawn little satisfaction from the crown which he had won so questionably. It is hard to feel any sympathy with him. He seems to typify the sordid aspects of the age, and even its spurious graces.

The King of twenty-five who ascended the English throne as Henry V. in 1413 has been pictured for us by an inimitable hand as the type of ideal manhood, but history does not seal the verdict. Noted for his lightness and loose living as a prince, on the day of his father's death he put these things away. He was genuinely religious in a narrow way, and he regarded his kingship as a sacred charge. Within his lights he never sullied it, but his very righteousness is irritating because of his narrow vision and his crude assumptions. He was not sordid, but his was the shallowest of idealisms.

He was already in a stronger position than his father, and his first Parliament made him a generous grant. It and the nation generally were enthusiastic for the French war which Henry was to renew. His orthodoxy,

too, was pleasing to the nation. Henry IV. had enforced the statute against heretics as languidly as he might, and had never struck at the great ones who were tainted with Lollardy. But his son had a fierce hatred of heresy, and immediately on his accession he attacked Sir John Oldcastle, by courtesy Lord Cobham, a notable Lollard leader and a scholar, when such among laymen were still rare. He was condemned to be burnt, but escaped and raised a forlorn revolt, which was easily put down. He was at large till 1418, when he was captured and sent to the stake.

But the chief interest of the reign centres in the renewal of the French war. The policy is almost the obvious one for Henry to pursue in order to popularize the dynasty, but this is a cynical motive which perhaps acted unconsciously. He seems to have sincerely believed in Edward III.'s claim and in his own inheritance of it. France was torn by feuds between the two great parties, the Armagnacs, who had possession of Charles VI. the mad King, and the Burgundians. Henry landed in Normandy in the summer of 1414 with a well-conceived plan of campaign, meaning to reduce the Duchy by a series of sieges. Pestilence broke out among his troops, and after taking Harfleur he marched for Calais. An immense Armagnac army met him at Agincourt on the 25th of October, and the famous battle was fought and won by the English in the traditional manner of Crécy or Poitiers, the archery doing vast execution against the heavy French cavalry in land which was but morass. Henry returned to England with immense prestige, which was increased by his alliance with the Emperor Sigismund with the aim of putting an end to the great schism which had torn Christendom since the return of the papal seat to Rome in 1378. The end was achieved when the Council of Constance elected Pope Martin V. From 1417 to 1419 Henry was again in France and conquered all Normandy. In the latter year the Burgundians, outraged by the murder of John, Duke of Burgundy, by the

Dauphin Charles and the Armagnac party, formed an alliance with Henry. The Burgundians were powerful in the North, which alone accepted the Treaty of Troyes by which Henry married Catherine, the French King's daughter, and was recognized as regent and heir of the mad King. There was fighting still to do in France, and in May 1421 Henry went a third time. On the 31st of August he died of dysentery at Vincennes, and in two months Charles the mad King was dead too.

Henry VI., the son of Henry and Catherine, was not two years old, and power was divided out between his two uncles, John, Duke of Bedford, and his younger brother Humphrey, Duke of Gloucester. Bedford was Regent, but to him fell the conduct of the war. Gloucester remained in England as Protector, though power really lay with the Council. The home history for twenty years while the King grew to his feeble manhood is merely the story of the quarrels between Gloucester and the Council, and especially with Henry Beaufort, Bishop of Winchester, the last surviving son of John of Gaunt. Gloucester was vain and factious, while Beaufort was a statesman and a patriot.

Meanwhile Bedford was doing his best to fulfil an impossible task, and a generation of war leaders were being trained in the ruthlessness and violence which such a war begets, and which were to mark the wars of the Roses in the next generation.

Bedford's efforts to win the south of France from the "King of Bourges," as the English derisively termed Charles VII., were made of no avail when, in 1429, Joan of Arc, the peasant girl of Domremy, forced the English to raise the siege of Orleans, the key to the south, and led Charles VII. to be crowned at Rheims. Joan is the one heroic figure in an age of violence and treachery, and she saved the fair land of France for which she had so great pity. The English were demoralized by her prowess and the national spirit which she symbolized. Though she was captured and burnt

at Rouen, the work she had done went on. In 1435 the Burgundians deserted the English, and the death of Bedford destroyed any further hope of victory. In the next year Charles VII. recovered Paris, yet for some years longer the English kept a desperate grip on their conquests in the North and on Guienne. The Council hated the thoughts of peace, and Humphrey of Gloucester was loud in his demands for war. He, however, fell into insignificance with the disgrace of his wife Eleanor of Cobham in 1441 for practising magic arts against the life of the young King. Beaufort, with his nephew, Edmund Beaufort, Duke of Somerset, and William de la Pole, Earl of Suffolk, controlled the government, and the Truce of Tours was signed in 1444. Henry, who was weak to imbecility, was married to Margaret of Anjou the next year, a woman of remarkably strong character and lively temperament. She immediately allied herself with Somerset and Suffolk, and became involved in the odium which was the inevitable lot of those who made peace in a war which had begun so gloriously. In 1447 Anjou and Maine were surrendered, and Gloucester appeared once more to head the discontent, but was arrested and died in a few days, perhaps by foul means. Normandy was reconquered by the French in retaliation for the sallies made by the garrisons. Somerset was in Normandy, and Suffolk was made the victim of popular indignation. He was impeached and banished, but intercepted by his enemies on his way to Flanders and murdered. In the same month the popular sentiment found expression in a rebellion of the men of Kent, the hotbed of political agitation. One John Cade led it and terrorized London for two days. But early history was repeated, and the violence of the mob led to its dispersal by the men of London, and Cade was killed. The rising was an indication of the strength of popular feeling.

It was significant that Cade had used the name of "Mortimer." The real representative of that house, Richard, Duke of York, was lieutenant of Ireland, but

left his post and arrived in England in 1450 when Somerset came back from France. York assumed the position of leader of the opposition to the weak government of the court party, which went rapidly from bad to worse. Henry gave and spent without counting, and the want of good governance at home aggravated the sense of disaster abroad. In 1453 Guienne was won by the French, and nothing remained of the territory for which Englishmen had fought for a century but Calais. In the same year Henry went mad, and at last Margaret bore him a son, Edward. Parliament made Richard protector of the realm, and Somerset was impeached and sent to the Tower.

Richard was occupying his natural position, and there is no evidence that he aimed at the throne, though the weakness of the Lancastrian rule must have tempted reflections on his superior rights by descent from Lionel, Duke of Clarence. Richard seems to have been genuinely anxious for "good governaunce," and from one point of view the coming struggle is that of constitutionalism against misrule. It is significant that the Lancastrian party did without Parliament for three years, fearing to face it. It was inevitable that Richard, when embittered by the Lancastrian distrust of his aims, should act as he did. When in 1455 Henry recovered, and Richard was dismissed and Somerset restored, Richard marched with his retainers towards London and was met by troops under the King and Somerset at St. Albans. Here was fought the first pitched battle of the Wars of the Roses. Somerset was slain, and Henry, who would never strike blow against Christian man, taken prisoner.

Richard's chief supporter was Richard Neville, Earl of Warwick. He could count, besides his relatives, the Nevilles, the Mowbrays, and the Bourchiers, a great band of noblemen. Some historians have seen in these wars no element but that of baronial jealousy, and a certain colour is given to the view by the nature of the strife. The great mass of the people went on with

their routine, while the nobles fought pitched battles through their paid retainers, largely soldiery whom the end of the French wars had turned loose upon the land. It is significant that private feuds were fought out under the badges of the two roses, and this particularism in aim gave a peculiar quality of bitterness to the struggle.

Soon after St. Albans Henry again went mad, and York, already in possession of the government, was declared Protector once more. Next year the King recovered, and York remained two years out of office. There was even a show of reconciliation in 1458, but Margaret was still bitter against him. Strife broke out again in 1459, and in 1460 York and his chief adherents fled the realm, to return in 1460, taking Henry prisoner once more, while Margaret fled. York now claimed the throne, and as a compromise was recognized as heir. Margaret tried to vindicate her son's rights, and York was slain in battle against her at Wakefield. His son Edward, Earl of March, stepped into his father's position and pretensions, and though Margaret regained possession of her husband, a most pathetic figure at this time, Edward was recognized as King in London. All the forces of order, the towns, and the richer parts of England, the South and East, held for him in dread of the Lancastrian anarchy. Edward won the North in a series of battles beginning with Towton. Margaret and her son fled to France, and Henry was taken and imprisoned in the Tower.

For six years Edward held the throne, but his marriage to Elizabeth Woodville and the favour he showed her kinsmen alienated Warwick and the Nevilles. Warwick had set his heart on a French marriage for the King. He showed his resentment by fomenting rebellions, and enlisted the King's brother, the Duke of Clarence, who was bent on marriage with Warwick's daughter. Edward was actually taken prisoner by the opposition in 1469, but released on terms. In the next year he hunted the rebels out of the country. They

returned within six months, armed to effect a Lancastrian revolution. The South rallied to the Earl, and Edward fled, but to return in March 1471 with help from Burgundy. In April he took possession of London and put Henry back in the Tower. Within a fortnight Warwick, "the Kingmaker," was slain at Barnet and Prince Edward at Tewkesbury. Margaret, broken-hearted, left England for ever. Within a few weeks the unhappy Henry was murdered in the Tower. For twelve years Edward ruled England unopposed. He was greedy but thrifty, and he managed to live on his revenue and avoid taxation. He extorted a vast sum of money from the French King at the Treaty of Pecquiny, being bought off from a war he never meant to wage. He encouraged trade, and ruled firmly through a small council of his wife's relatives. The country was desirous of rest; otherwise Edward's rule might have been resented, for he was by no means a constitutional King. For years he did not call Parliament, and he raised benevolences where he could. He was by nature indolent, and though handsome and popular by no means an heroic figure. He murdered for mere revenge his brother Clarence, whom one of his infrequent Parliaments had attainted. Edward died at the age of forty-one, having ruined his constitution by excess and slothful ease. He had gradually delegated his duties to his brother, Richard of Gloucester, a hard-working man, who had ever been zealous in his brother's cause. Nothing in his character or career pointed to undue ambition. He easily obtained the protectorship and the person of the twelve-year-old King Edward. He imprisoned the Queen's relatives, and seized and beheaded, without trial, Lord Hastings, the late King's greatest friend. He got possession too of Richard, the younger brother of the young King, and both were imprisoned in the Tower. He had himself crowned King of England, declaring his brother's children bastards. They were murdered within a month. Richard posed as a constitutional King, and

he counted on the support of a nation which he knew now dreaded civil war before all things. But his crimes were too flagrant even for the England of that day. He suppressed the rebellion of Buckingham, his chief supporter, who, shocked by the murder of the princes, raised a revolt and was executed, but all men were disgusted at the monstrous nature of Richard's crimes. As his wife, Anne Neville, lay dying it was rumoured that he was already scheming to marry his niece Elizabeth, sister of the princes whom he had murdered.

She was destined to be the bride of the man who overthrew him. It was inevitable that Henry, Earl of Richmond, the only representative of the House of Lancaster, should make a bid for the throne of England. It was in his name that Buckingham rose in 1483. He was the son of Margaret Beaufort and Edmund Tudor. Yorkist and Lancastrian exiles rallied to his banner as he prepared for the invasion of England. He landed on the 1st of August at Milford Haven, and three weeks later slew Richard on Bosworth Field. The Stanleys, who had deserted Richard on the field, crowned Henry Tudor with the crown of the fallen King, and so fittingly ended the final drama in the history of mediæval England.

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## INDEX

**ADULTERINE** castles, 32, 35, 50  
**Angevin** Kings, the, 34  
 Anselm, 20  
     conflict with Henry I., 25, 26  
**Assize of Arms**, 35

**BALLIOL**, John, 62, 63  
 Ball, John, 74, 75, 76  
 Bannockburn, battle of, 65, 66  
 Beaufort, Henry, Bishop of Winchester, 85  
 Becket, Thomas à, dispute with Henry II., 37-39  
     murder of, 39  
 Black Canons, the, 23  
 Black Death, the, 72, 73  
 Black Prince, the, 69, 70, 71  
 Bruce, Robert, war with Edward I., 63  
     war with Edward II., 65  
 Burgh, Hubert de, 50, 51

**CADE**'s rebellion, 86  
 Caxton, William, 81  
 Charter of Liberties, 23  
 Church, the, reorganization by William I., 16  
     separation of Church and lay courts, 17, 28  
 Cistercian Order in England, 27, 28  
 Clarendon, Constitutions of, 37, 38, 39  
 Commons, the, money supplies controlled by, 70  
 Constitutional government, foundation of, 49

Crécy, battle of, 69  
 Curia Regis, 35, 36

**DOMESDAY** Book, 13, 14, 15  
 Dominican friars in England, 56, 57, 58

**EDGAR** the Atheling, 11, 12  
 Edwin, Earl, 11  
 Edward I. as Prince of Wales in Barons' War, 54  
     conquest of Scotland and Wales, 62  
     crusade with St. Louis, 56  
     parliamentary reforms of, 60-61  
     policy relating to the Church, 61  
     taxation by, 61, 64  
 Edward II., 65-67  
     abdication of, 66, 67  
     loss of Scotland, 65  
     Mortimer and Isabella's rule, 66, 67

Edward III., 67-72  
     taxation by, 71  
     wars with France, 67 *et seq.*

Edward IV., 88, 89  
 Evesham, battle of, 55  
 Exchequer system, 24

**FLAMBARD**, Ranulf, Justiciar, 19, 23  
 Feudal system, as modified by William I., 12, 13, 14, 15  
     administered by Henry I., 22

Feudal system, centralization under Henry II., 34, 35  
 in Stephen's reign, 32  
 policy of Edward I., 61  
 Franciscan friars in England, 56, 58

GAVESTON, Piers, 65, 66

HENRY I., 18  
 administrative policy of, 22  
*et seq.*  
 attitude towards the Church, 25-29  
 conflict with Anselm, 25-27  
 efforts to secure Matilda's succession, 30  
 rebellion of Norman Barons, 24-25  
 war with France, 29

Henry II., 32, 33  
 legal reforms by, 35, 36  
 murder of Thomas à Becket, 39  
 policy in relation to Church, 37  
 rebellion of his sons, 40-41  
 territories of, 39

Henry III., 49-59  
 Barons' war, 53  
 foreign favourites of, 51  
 Papal influence on, 50  
 social life in reign of, 56, 58, 59

Henry IV., 79, 80, 82-83  
 war with Scotland, Wales, and France, 82

Henry V., 83-84  
 wars with France, 84

Henry VI., 84-88  
 loss of French possessions, 85, 86

Henry VII., 90

Hereford, Earl of, plot against William I., 12

Hereward the Wake, 11

Hildebrandine revival, 16, 25, 27

Hundred Years' War, 68, 81, 84

IRELAND, acquired by Henry II., 40, 41

JEWRIES, the, 57

Joan of Arc, 85

John, King, 44-47  
 as Governor of Ireland, 40  
 interdicted by the Pope, 46  
 loss of French possessions, 44, 45

Magna Charta signed by, 47

John of Gaunt, 70, 71, 72

LANFRANC, 16, 19

Langton, Stephen, 46, 47

Lewes, battle of, 54

Lollardism, 74, 76, 77, 83

MALCOLM Canmore, 11, 12, 21

Magna Charta, 46-48

Manorial system of tenure, 14, 15

Matilda, Empress, 29  
 succession of, 30  
 wars with Stephen, 31, 32

Monastic system in England, 27, 56, 57

Montfort, Simon de, 52, 53, 54

Mortimer, Edmund, Earl of March, 79  
 Roger, 67

Mortmain, Statute of, 61

NORMAN Conquest, the, 9

OXFORD, Provisions of, 53, 54, 55

Oxford University, founding of, 58

PARLIAMENT, as constituted by Edward I., 60  
 control of taxation and supplies by, 70, 71, 82  
 "the Good," 71  
 "the Mad," 53  
 "the Model," 60, 63  
 Simon de Montfort's, 55

Peasants' Revolt, 75-77

Poitiers, battle of, 69

RICHARD I., 41-44  
  crusades of, 42-43  
Richard II., 72-80  
  abdication of, 79  
  misrule by, 78, 79  
  Peasants' Revolt, 76  
Richard III., 89-90  
  murder of Princes in the Tower, 89  
Robert, Duke of Normandy, 18, 21  
  rebellion against William I., 12, 13  
  revolt against Henry I., 24-25  
Robert of Bellême, rebellion against Henry I., 24-25

ST. ALBANS, battle of, 87  
Salisbury, Roger, Bishop of, Exchequer system created by, 24, 32  
Salisbury Oath, the, 13  
Saxon leaders, 11  
Scotland, war with Edward I., 62  
  independence secured at Bannockburn, 65  
"Scutage, the Great," 35  
Shire Courts, 23, 36  
Sluys, battle of, 32  
Statutes—  
  heresy punishable by fire, 82, 83  
Labourers, 73  
Mortmain, 61  
of Gloucester, 61

of Præmunire, 74, 75  
of Westminster, 61  
of Provisors, 74  
*Quia Emptores*, 61  
Stephen, accession of, 30-32  
  war with Matilda, 31-32  
Stigand, 16

TRIAL by duel, 23, 36  
  by jury, 36, 37  
Tyler, Wat, 76

WALES, conquest by Edward I., 62  
Wallace, William, 63  
Walter, Hubert, 44, 45  
Waltheof, Earl, 11, 12  
Wars of the Roses, 86  
Warwick, Earl of, 87, 88  
William the Conqueror, 9  
  adjustment of feudal system, 12, 13, 14, 15  
Forest Laws of, 15  
reorganization of the Church, 16-18  
William II., 18, 19-21  
  building works of, 19, 20  
  conquests in war, 21  
  death of, 21  
William the Lion, 40  
*White Ship*, wreck of, 29  
Wycliffe, John, 72, 74, 75, 76

YORK, Richard, Duke of, 86  
  as Protector, 87  
in Wars of the Roses, 86, 87

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